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**Final Report
April 22, 2005**

**2004 Department of Mental Health
Office of the Public Guardian Special Study
Work Order No. 6-95**

Submitted to:

**J. Tyler McCauley
Auditor-Controller
County of Los Angeles**

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CONSULTING a clear perspective



Final Report
2004 Department of Mental Health
Office of the Public Guardian Special Study

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- D: Sample Information from other County Websites
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Final Report 2004 Department of Mental Health Office of the Public Guardian Special Study

I. Executive Summary

A. Introduction and Scope

The County of Los Angeles Auditor-Controller retained blueCONSULTING, INC. (blueCONSULTING) to conduct a special study of the probate conservatorship function at the Office of the Public Guardian (Public Guardian) in the County Department of Mental Health (DMH).

Due to concerns about probate conservatorship backlogs and operational efficiency, the Board of Supervisors directed the County Auditor-Controller, in conjunction with the Chief Administrative Officer, to conduct a review of the Public Guardian's probate and older adult conservatorship function. The objective of this project, therefore, is to perform a management audit of the probate conservatorship function of the Office of the Public Guardian and to determine the extent to which the Public Guardian is efficiently and effectively investigating, establishing, and administering probate conservatorships. A review of the LPS conservatorship function at the Public Guardian was specifically excluded from this study.

The review includes an evaluation of:

- The mission, goals, and objectives of the probate conservatorship function.
- Relevant regulations, processes, policies, and practices.
- Case management including referrals, backlog processing, caseload, and case closings.
- Personnel management policies and practices, including staffing.
- Budget and administrative practices and procedures.
- Customer service, including internal interfaces with County agencies, departments, and hospitals, as well as external interfaces with the Superior Court, outside agencies, and the general public.
- Trends that will affect Public Guardian operations over the next five to ten years.

The review also included a benchmarking and best practices review to compare probate conservatorships at the Los Angeles County Public Guardian with similar functions at other county agencies and in the private sector (e.g., private conservatorship firms).

Overview of Methodology

blueCONSULTING utilized a variety of consulting approaches and tools to conduct this special study, including:

- Confidential interviews with more than 70 management, staff, and external stakeholders (Appendix A).
- Review and analysis of more than 60 documents (Appendix B).
- Analysis of probate conservatorship records for the last three to four years (2001-2004) to identify trends and anticipate future demand for services.
- Analysis of 16 similar organizations who completed a benchmark survey designed by blueCONSULTING (Appendix C).
- Review of other county and related conservatorship websites (Appendix D).
- Process-mapping of key functions in a "banded" flow-chart format to illustrate potential bottlenecks and other process inefficiencies (Appendix E, presented under separate cover).

B. Summary of Findings and Recommendations

This section summarizes the major findings and recommendations of the study.

Summary of Strengths and Weaknesses

The greatest strengths of the Office of the Public Guardian probate conservatorship function have been management's commitment to serving at-risk, vulnerable adults and its entrepreneurial approach to resolving a significant and chronic funding shortage. In fact, in contrast to other counties throughout California, Los Angeles County is one of the few that does not provide funds for its probate conservatorship function. This lack of reliable funding puts the Public Guardian and its clients at a disadvantage given the high volume of referrals and active cases in the County.

The Office, however, also suffers from numerous weaknesses. The lack of a clear mission, high caseloads, fragmentation of processes, problematic management culture, lack of staffing and performance standards, and the organizational structural issues described in this document result in the Public Guardian not always performing its functions appropriately or thoroughly. For example:

- There is not a common understanding of the role of the Public Guardian and how it should perform its basic functions.
- Customers are treated differently based on the referral source.
- High caseloads prevent staff from performing required services in a timely or thorough manner.
- Fragmentation of processes across different organizations results in a lack of accountability for the quality of provided services in terms of responsiveness, timeliness, accuracy, and thoroughness.
- A strong managerial work ethic, accountability, and leadership are not characteristic of the Public Guardian's culture.
- The Office has not established clear standards for performance or staffing.
- The organizational structure is top-heavy and not supportive of accountability.

This combination of cultural, process, and organizational structure issues and lack of adequate funding contribute to the Public Guardian's inability to perform its basic function – case management – thoroughly, in a timely manner, and with a high level of customer service for all customers and stakeholders. Although numerous enhancements are necessary, the Office is in immediate need of additional funding and staffing to perform its basic function.

Summary of Findings

Findings are presented below, separated by topic (per the chapter title).

Leadership, Culture, and Organizational Structure

- Finding #1: Although additional staffing is clearly needed, the Public Guardian has not prepared a case based on work content, performance standards, or comparative information to justify additional staffing.
- Finding #2: Employees perceive the senior management team to be uninvolved in solving the day-to-day problems that face the department.
- Finding #3: Public Guardian management appears to be more motivated to solve problems to maintain the department's external image than to improve operations.
- Finding #4: Management at the Office of the Public Guardian appears to lack a sense of urgency.
- Finding #5: Impending retirements create a significant gap in management and expertise.
- Finding #6: The Office of the Public Guardian lacks guiding principles or values, although management has initiated a process to develop vision and mission statements separate from the Department of Mental Health.
- Finding #7: Staff meetings are not perceived as useful by employees.
- Finding #8: The organizational structure is too top-heavy and spans of control are excessively narrow.
- Finding #9: Recent changes in the organizational structure appear to be based on addressing management and employee performance issues versus the most efficient means to perform required tasks and functions.
- Finding #10: Written policies and procedures are incomplete and have not been updated to match work as it is currently performed, although efforts are underway to improve them.
- Finding #11: Performance standards do not exist, or personnel are not adequately held accountable for them throughout the Office of the Public Guardian.

Case Management: Referral Investigations, Administration, and Closings

- Finding #12: Lack of clarity regarding the mission results in conflicting views and actions about appointing conservatorships resulting in different levels of service and outcomes.
- Finding #13: The number of appointed cases varies significantly by referral source and contributes to the backlog.
- Finding #14: Assignment of referrals is uneven and contributes to differences in customer service and workload.
- Finding #15: Public Guardian DPGs investigate on average more referrals each month than their counterparts in other county probate conservatorship organizations.

- Finding #16: Non-handle codes overlap and are redundant.
- Finding #17: Approximately 84% of referrals do not result in conservatorships, indicating a need for additional referral information and education.
- Finding #18: Although greatly reduced, there continues to be a backlog of referrals up to six months old (as of January 2005).
- Finding #19: There is a formal process for updating referral sources on the status of their investigations, but additional communication on case status is warranted.
- Finding #20: Turnover among Investigation DPGs has been significant and contributed to the backlog.
- Finding #21: The Los Angeles County Public Guardian is the only probate conservatorship operation that maintains a backlog of incoming referrals.
- Finding #22: Fragmentation of processes across departments and units leads to inefficient operations.
- Finding #23: Caseloads are too high for effective management and good customer service.
- Finding #24: Turnover and extended absences among case administration DPGs have contributed to high caseloads.
- Finding #25: Periodic internal audits of case management have been discontinued.
- Finding #26: DPG and CAA roles and responsibilities are unclear.
- Finding #27: The Office of the Public Guardian does not have a Representative Payee program, which could offer alternatives to conservatorship.
- Finding #28: The Public Guardian information system is outdated and dependent on an external vendor for programming expertise.
- Finding #29: CAAs must access multiple screens to get information they need, while the lack of automation of benefits applications and other forms requires CAAs to complete forms manually.
- Finding #30: Outlying Superior Court districts do not place their documents on the website.

External Relations and Communication

- Finding #31: The level of service provided by the Treasurer-Tax Collector, based on the 1998 agreement, is sub-optimal, resulting in the Public Guardian incurring higher costs than necessary.
- Finding #32: Public Guardian and County Counsel need to improve communication on legal requirements for appointments for conservatorship and ongoing case management.
- Finding #33: There is a problematic, if not contentious, relationship between several personnel in DMH and the Office of Public Guardian, although recent efforts are underway to address the issue.
- Finding #34: The Public Guardian is dependent on personnel outside its control to answer the phone and take messages, but has compensated in other ways.
- Finding #35: The Public Guardian publishes a brochure outlining its services but does not have a dedicated, informative, and user-friendly website.

Summary of Recommendations

Recommendations are presented below, separated by topic (per the chapter title).

Leadership, Culture, and Organizational Structure

- Recommendation #1. Request immediate additional staff for referral investigations and case management and base future requests on objective information. (Refers to Findings #1, #15, #20, and #23)
- Recommendation #2. Demonstrate leadership by prompt attention to operational and management issues, quick resolution of problems, and clear communication of organizational priorities. (Refers to Findings #2, #3, and #4)
- Recommendation #3. Complete a strategic planning process, independent of the DMH planning process, and clearly communicate the vision and mission to all employees. (Refers to Findings #5, #6, and #12)
- Recommendation #4. Use staff meetings as a tool to facilitate effective top-down and bottom-up communication. (Refers to Finding #7)
- Recommendation #5. Conduct an in-depth assessment of the entire Public Guardian organizational structure. (Refers to Findings #8, #9, and #22)
- Recommendation #6. Update policies and procedures to reflect new organizational changes and formalize their presentation. (Refers to Finding #10)
- Recommendation #7. Develop standards for reasonable workloads for investigation and case management DPGs to ensure that the work can be completed on a timely basis and that conservatees' and other stakeholders' needs are met. (Refers to Finding #11)

Case Management: Referral Investigations, Administration, and Closings

- Recommendation #8. Establish standards for referral staffing. (Refers to Finding #12, #14, and #15)
- Recommendation #9. Require compliance with policies to provide adequate communication with referral sources and ensure that this area is reviewed in future internal audits. (Refers to Findings #19 and #25)
- Recommendation #10. Eliminate the backlog and review referral source differences. (Refers to Findings #12, #13, #14, #18, #20, and #21)
- Recommendation #11. Reduce the number of non-handle codes to eliminate duplication and ambiguity. (Refers to Finding #16)
- Recommendation #12. Evaluate non-handles and clarify Public Guardian-referral source communication to reduce the number of ineligible referrals and improve the rate of appointed cases. (Refers to Findings #16, #17, and #19)

- Recommendation #13. Request additional case management staffing to bring the case load standard more in line with the data reported by Benchmark Survey participants. (Refers to Finding #1, #23, and #24)
- Recommendation #14. The role of Case Management and Closing Desk DPGs should be clarified. (Refers to Findings #22)
- Recommendation #15. The Public Guardian should clarify the duties of DPGs and CAAs and hold incumbents accountable for completing their specific job duties. (Refers to Finding #26)
- Recommendation #16. The Public Guardian should reinstitute and strengthen the internal audit function. (Refers to Finding #25)
- Recommendation #17. The Public Guardian should examine the costs and benefits of initiating a Representative Payee program and determine if such a service would benefit the County. (Refers to Finding #27)
- Recommendation #18. The Public Guardian, working with the Public Administrator/ Treasurer-Tax Collector, DMH, and County Counsel, should develop a new case management database. (Refers to Findings #28, #29, and #30)

External Relations and Communication

- Recommendation #19. Negotiate a new operating agreement (MOU) with the Treasurer-Tax Collector to reduce overall costs to the Public Guardian, hopefully with a substantial amount of the savings available to help fund the probate function. (Refers to Finding #31)
- Recommendation #20. Increase interaction and training with County Counsel management and staff to examine common issues that arise in more complicated estates and contexts and to increase the level of responsiveness overall. (Refers to Finding #32)
- Recommendation #21. Probate management and DMH management need to immediately improve the relations and communication between their two departments. (Refers to Finding #33)
- Recommendation #22. The Public Guardian should consider alternatives to the current telephone systems and provide immediate information to Public Guardian personnel to answer questions, and establish standards of response that identify the speed with which phone calls should be returned. (Refers to Finding #34)
- Recommendation #23. The Public Guardian should continue and expand distribution of its brochure and develop additional printed materials and develop a dedicated website with links to the DMH website and other related older adult sites. (Refers to Finding #35)

Financial Impact of Staffing Recommendations

blueCONSULTING has recommended hiring three Deputy Public Guardians (DPG) – an additional DPG for the Investigation unit and two additional DPGs for the Administration (case management) unit. Based on blending the fifth step salaries for the DPG II and Senior DPG positions, and adding a benefits rate of 32%, the cost of three new DPGs is estimated to be approximately \$201,000 annually, as shown in Exhibit 1 below.

Exhibit 1: Estimated Financial Impact

Position	Salary	Benefits	Total
DPG II	\$49,521	\$15,760	\$65,011
Sr DPG	\$52,275	\$16,728	\$69,003
Blended Cost			\$67,007
Estimated Annual Cost of Three Positions			\$201,021

Source: Public Guardian

C. Public Policy Issues

Several issues with public policy implications arose during this review of the probate conservatorship function within DMH. While these issues were not the subject of this study, they will have an impact on how to address organizational problems and implement meaningful improvements. We believe that further study or review of these issues is warranted to gain an appreciation of the dilemma that confronts the County today, and will be of even greater importance to the County as the older population continues to grow. There are three primary issues to examine:

- The responsibility or role of government vis-à-vis vulnerable older adults.
- The desire or responsibility of the County to fund the probate conservatorship function of the Public Guardian.
- The extent to which the County is prepared for an increasing population of vulnerable older adults (expected to increase in the County from 800,000 in 2000 to 1.6 million in 2010¹).

What is the function of government and, specifically, county government, in terms of protecting at-risk vulnerable older adults? As County residents who have been contributing to society through taxes for many years, are they entitled to as much protection and oversight as mentally ill adults under LPS conservatorships, or as dependent children in foster care? Should all eligible vulnerable adults have a conservator appointed, or only those with the ability to pay for services? Does every at-risk older adult deserve County oversight of their health, living accommodations, and finances?

The County stopped funding the probate conservatorship function during the tight budget years of the early 1990s. The County Chief Administrator Officer made a formal recommendation to the Board of Supervisors that County general funds could be eliminated from the budget for probate conservatorship services because they were not a state-mandated function. The Board

¹U.S. Dept of Commerce, U.S. Census Bureau; California Department of Aging: Statistics and Demographics

accepted that recommendation and adopted a budget that eliminated those funds from the final budget. Today the probate conservatorship function of the County of Los Angeles is self-funding, unique among other California counties. Because no additional funds are available from the state or the County general fund, the Public Guardian can only provide services to indigent conservatees from the fees they obtain from providing conservatorship services to those with assets. Nevertheless, the Public Guardian petitions for conservatorship regardless of the size of the estate.

DMH and the Public Guardian have been forced to be entrepreneurial in developing alternative funding sources (a definite strength). Nevertheless, the unintended consequence of the successful entrepreneurial approach is that there are many individuals who would benefit from conservatorship but, due to funding constraints, are not a high enough priority for the Public Guardian.

- Are there other entrepreneurial approaches that the Public Guardian should implement to increase its funding?
- Should the Public Guardian actively compete with private sector conservators to conserve high asset value estates?
- Are there other funding mechanisms or opportunities to increase the ability of the Public Guardian to meet the needs of more vulnerable, eligible older adults? For example, should the Public Guardian lobby the State Department of Mental Health regarding the availability of Proposition 63 funds?
- Should the County make a commitment to fund probate conservatorship services from the general fund?

Finally, considering the projected growth of the aging population within the County over the next several decades, should the County make integrated services for the elderly a priority? Should the County consolidate and integrate older adult services within a single department? Currently, a variety of sometimes overlapping older adult services are provided across several county departments or areas, including DMH, the Public Guardian, Department of Community and Senior Services (DCSS), Consumer Affairs, Department of Health Services (DHS), Department of Public Social Services (DPSS), the District Attorney, and law enforcement. Such overlap provides the opportunity to conduct redundant services or not take responsibility for problems.

A more integrated approach to protecting and serving the at-risk elderly population may be warranted and, in our opinion, should be studied. blueCONSULTING recommended an integrated approach to senior services as a result of the Management Audit of the Department of Community and Senior Services Department we conducted last year. Now, with additional exposure to the issues facing a growing elderly population, we think it is even more important to consider

According to the Census Bureau, the County's population of those aged 60 and older increased from about 700,000 in 1990 to 800,000 in 2000. By 2010, the County's 60+ population is

expected to reach 1.6 million, an increase from 17% to 25% of the County's population². Because of many unknown factors, blueCONSULTING cannot predict the precise impact of elderly adult population growth on demand for conservatorships. However, it is highly likely that there will be an impact. And regardless of the future County-wide approach to providing services for the elderly, the Office of the Public Guardian must take responsibility for meeting the demands the anticipated growth of the County's aging population will make.

First, the Office of the Public Guardian must establish and comply with case management standards that reflect a satisfactory level of customer service. (Please refer to Recommendations #7, #8, #10, and #13.) Secondly, through effective monitoring and planning, the Public Guardian can monitor growth in demand for services (e.g., number of referrals, number of active cases) and submit requests for additional staff as required on a timely basis. (Please refer to Recommendations #1, #2, and #3.) For example, today there are approximately 500 active cases requiring eight FTE case managers. An increase to 600 cases would require two additional staff, or ten FTE case managers to comply with the recommended standard of 60 cases per case manager. Similar adjustments would have to be made for investigation staff as the number of referrals increases.

D. Report Organization

This document is organized into seven chapters. The following table indicates which chapter addresses the issues identified in the Statement of Work (Work Order Request 6-95) issued by the Office of the Auditor-Controller and referenced by task number in blueCONSULTING's Proposed Phase II Work Plan submitted January 20, 2005.

Exhibit 2: Report Organization

Statement of Work		Work Plan	Statement of Work
I	Executive Summary	7.0	III C 5 b
II	Methodology	7.0	
III	Survey of Probate Conservatorship Functions	4.1	III C 1 a, h-j
		4.7	III C 5 a, b
		4.8	III D 1
IV	Leadership, Culture, and Organizational Structure	4.2	III C 1 a-i, l
		4.3	III C 3 a, b
		4.4	III C 4 a, b
		4.5	III C 5 a, b
V	Case Management: Referrals, Administration and Closings	4.2	III C 1 e-g, i-o, r
		4.7	III C 2 e
		4.8	III C 4 c, d
			III D 1-3
			III E 1, 2

² Refer to Exhibit 20 in Chapter III, Section G: Challenges and Trends in Older Adult Needs.

Exhibit 2: Report Organization

VI	External Relationships and Communication	4.2	III C 1 i, p-s
		4.6	III E 1,2
		4.8	III F
		4.9	III C 2, a-d, f-i
		6.1	
		6.2	
		6.3	
		6.4	
		6.5	
VII	Benchmark Survey Findings	5.0	III G

Appendixes	
A	Interview List
B	Document Request
C	Benchmark Survey Results
D	Sample Website Data from other California Counties
E	Process Maps of Referral Investigations for Three Referral Sources (under separate cover)

II. Methodology

blueCONSULTING utilized a variety of consulting approaches and tools to conduct this special study, including:

- Confidential interviews with more than 70 management, staff, and external stakeholders (Appendix A).
- Review and analysis of more than 60 document requests (some including multiple documents) (Appendix B).
- Analysis of probate conservatorship records for the last three to four years (2001-2004) to identify trends and anticipate future demand for services.
- Analysis of 16 county and private conservatorship organizations who completed a benchmark survey designed by blueCONSULTING. (Complete survey results are presented in Appendix C.)
- Review of website data from other California counties (Samples from several websites are presented in Appendix D).
- Process-mapping of key functions in a “banded” flow-chart format to illustrate potential bottlenecks and other process inefficiencies (Appendix E, under separate cover).

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III. Survey of Probate Conservatorship Functions

This chapter presents a survey of the organization, staffing, major functions, and areas of responsibility for the probate conservatorship activities of the Office of the Public Guardian, part of DMH. We also identify overall organizational strengths and weaknesses.

A. Purpose of the Public Guardian

As described in the brochure disseminated by the Office of the Public Guardian, conservatorship is "a vital service for persons unable to properly care for themselves or who are unable to manage their finances." The Office of the Public Guardian provides two types of conservatorship services: Lanterman-Petris-Short (LPS) conservatorships for those with mental illness, and probate conservatorships for frail, elderly adults who are not competent to care for themselves. According to the www.la4seniors.com website³, the purpose of probate conservatorship is defined as follows:

"A conservatorship is a court proceeding to appoint a manager for the financial affairs (estate) or the personal care of a person who is either physically or mentally unable to handle either or both. The court can appoint a family member, a friend, the Public Guardian or a private party/agency."

Also according to the website:

"The Public Guardian has been named by the Court as conservator for more than 2,500 persons who are physically or mentally disabled. These individuals cannot care for themselves without help. When such a person is brought to the attention of the Public Guardian, an investigation is made to determine whether friends or family are able and willing to act in the disabled person's best interests. If not, the Public Guardian petitions the Court to be named conservator, and the disabled person becomes the conservatee."

Under the provisions of the Probate Code, the Public Guardian may be appointed conservator to protect and care for the person and to administer the estate of those who, without assistance, cannot provide for the basic needs of food, shelter, or clothing or are unable to resist fraud or undue influence."

The Public Guardian may also be appointed for persons who, as set forth in the Lanterman-Petris-Short (LPS) Act of the Welfare and Institutions Code, are considered gravely disabled (unable to provide for food, shelter, or clothing by reason of a mental disorder) and who are unwilling or unable to accept

³ The LA4Seniors website is sponsored by the L.A. Metro Multi-Disciplinary Team (MDT) for Consultation on Elders at Risk. From 1998 to 2000, the team served the Greater Hollywood area. In November of 2000, the MDT expanded to include the downtown Los Angeles area with the support of the Los Angeles Police Department and Adult Protective Services. In May 2004, the team merged with the City Attorney Elders at Risk Task Force to create the Los Angeles City Attorney Elders at Risk Task Force.

psychiatric treatment voluntarily. LPS referrals can be accepted only from designated facilities and agencies. They must be in writing and must be submitted with the signatures of two licensed psychiatric professionals, one of whom must be an M.D.

Probate referrals may be made by any individual or agency aware of the person being referred: relatives, friends, attorneys, neighbors, public or private social work or health agencies, or offices of elected officials.

As Conservator of the Person, the Public Guardian is responsible for meeting the physical and psychiatric needs of the conservatee and must arrange for adequate medical care and the proper level of treatment in the community.

As Conservator of the Estate, the Public Guardian is responsible for the prudent use of money and property belonging to the conservatee. Cost of care must be paid, basic needs of food, clothing and shelter must be met, and the conservatee must be protected against designing persons. Accountings must be filed with the Court of appointment at regular intervals.

The Public Guardian locates skilled nursing or board and care placements for conservatees and has access to results of the County Health Department's surveys of skilled nursing facilities."

A conservatorship might be needed when:

- A person needs someone to protect them from neglect, financial abuse and isolation.
- An individual has no family and is not able to completely manage their own affairs.
- An individual has family and wishes not to burden them regarding assistance.
- Relatives/friends are busy with their own lives and need assistance for the care of a loved one.

Probate code 1800 and draft Public Guardian New Case Screening and Assignment (Probate) policy #2.3⁴ describe and define the criteria for conservatorship eligibility, including:

The basic criteria for assignment and investigation are that the referred individual is a resident of Los Angeles County and appears to meet the legal basis for conservatorship as outlined in probate code section 1801. A conservator may be appointed "for a person who is unable to provide properly for his or her personal needs for physical health, food, clothing or shelter" or for persons "substantially unable" to manage their financial resources or "resist fraud or undue influence."

In particular, "undue influence" is defined in the draft Public Guardian New Case Screening and Assignment (Probate) policy as follows:

⁴ Source Document Request 41

"Undue influence means any improper or wrongful constraint, machination, or urgency of persuasion whereby the will of a person is overpowered and he is induced to do or forbear an act which he would not do or would do if left to act freely. Influence, which deprives the person influenced of free agency or destroys freedom of his will and renders it more the will of another than his own. Misuse of position of confidence or taking advantage of a person's weakness, infirmity, or distress to change improperly that person's actions or decisions.⁵"

Key differences between probate and LPS conservatorships are presented below.

Exhibit 3: Probate Versus LPS Conservatorships⁶

Probate	LPS
Program description/Purpose: Protective services and estate management (Cannot authorize mental health treatment). To protect and care for the person and to administer the estate of those who, without assistance, cannot provide for the basic needs of food, shelter, or clothing or are unable to resist fraud or undue influence.	Program description/Purpose: Involuntary Mental Health treatment and estate management. To provide for mental health care, which may include involuntary detention in mental health treatment facilities, for those adjudicated gravely disabled by reason of a mental disorder and to protect and administer the estate.
Legal mandate: Permissible under state law.	Legal mandate: Mandated by state law.
Process initiated by: Anyone through petition to the Court (usually requires the assistance of an attorney)	Process initiated by: 1) Evaluation by designated mental health treatment facility and application to Public Guardian. 2) Conservatorship investigation by Public Guardian.
Who is appointed? The Public Guardian is normally appointed on petitions which it files. Probate conservatorship petitions may also be filed by private individuals or by agencies.	Who is appointed? The Public Guardian, a relative, or interested party may be appointed. However, Public Guardian investigates all such referrals and furnishes recommendations to the Court.
Typical Client: Elderly person whose mental and physical problems stem primarily from age. This person often lives alone and sometimes has a substantial estate. Individuals are unable to provide for personal needs for physical health, food, clothing and/or shelter or unable to resist fraud or undue influence.	Typical Client: Persons gravely disabled due to mental disorder and in need of involuntary treatment. Middle-aged or younger person, usually psychotic and usually in hospital – often having little property or income.

⁵ Source Document Requent #41, with reference to Black's Law Dictionary

⁶ Source: LA4Seniors website

Exhibit 3: Probate Versus LPS Conservatorships⁶

Probate	LPS
Duration: Indefinite; conservatee or conservator may petition the Court for termination at any time.	Duration: Automatically terminates after one year but may be renewed at a court hearing.

B. Older Adult/Probate Task Force

In 2003, an Older Adult Task Force was established by DMH to review the operations of the Public Guardian. Findings and recommendations from this task force, as well as recent interest by the local media, have sparked interest in the Public Guardian probate conservatorship mission, its organization, and operations. These inquiries and concerns led to the Board of Supervisors' request for this special study of the Office of the Public Guardian by the Auditor-Controller.

The task force examined community referrals for Probate Conservatorships (non-LPS) that were not part of agreements with the Conservatorship Access Network (CAN), Adult Protective Services (APS), or LAC-USC, the largest County-run hospital. The objectives of the task force included review of "several aspects of Public Guardian's service delivery to enhance and improve effectiveness, efficiency and responsiveness of service delivery. Those include: criteria, procedures and communications as well as staffing and funding.⁷" The task force "addressed the need to have a competent probate conservatorship system that focuses on the needs from the perspective of the community of older adult networks."⁸

Areas of concern identified by the task force are subjects of the current management review, including:

- Criteria for conservatorship
- Timeliness of probate
- Communication
- Placement
- Dementia
- Public Guardian staff resources
- Staff and funding

C. Organizational Structure

The Office of the Public Guardian is divided into two divisions: Probate Conservatorship/Administrative Services and LPS, with six and eight units respectively. (Please note: The following sections of this chapter describe the tasks and activities as performed in the Probate/Administrative Services Division only.)

⁷ Overview, Older Adult/Probate Task Force Recommendations

⁸ *Ibid.*

Exhibit 4: Public Guardian Divisions

Probate/Administrative Services	
<ul style="list-style-type: none"> Investigations VI Administration VII Property XI Conservatorship Administrative Assistance (CAA) XII Admin Support X Guardian Circle 	<ul style="list-style-type: none"> Investigations I Investigations II Administration III Administration IV Administration V Special Services IX Court/Transportation Service Court Reports

According to the organizational chart and personnel list provided by the Public Guardian, 100 employees currently staff 97.5 full-time equivalent (FTE) positions, as indicated in Exhibit 5 below. Nine Deputy Public Guardians⁹ (DPGs) were hired since this review was initiated; one has been assigned to Probate, the other eight to LPS. In contrast, the Public Guardian's 2004-2005 budget showed staff under three cost centers: management, probate, and LPS. Both versions of the Public Guardian's current staffing are presented below.

Exhibit 5: Different Counts of FTEs

Job Title	2004-2005 Budget					2006-2007 Budget			
	Management	Probate	LPS	Dispute	Total	Management	Probate	LPS	Total
Deputy Director	0.8 ⁽¹⁾	0.2 ⁽¹⁾			1	1			1
Deputy Pub. Adm/Conservator II						1			1
Mental Health Svc Coord.	0.8	0.2			1				
Division Chief ⁽²⁾	1.5	1			2.5		2		2
Ass't Division Chief	1	1			2		1	1	2
Spvg DPG ⁽³⁾			7	5	12		8	3	11
Sr DPG			14.5	10	24.5		15	10	25
DPG II			27	3	30		25	6	31
Accountant III							1		1
Accounting Staff ⁽⁴⁾			1	1.5	2.5				
Staff Assistant I							1		1
Staff Assistant II							1		1
Conservatorship Admin Ass't (CAA)			1	7	8		8	1	9
Intermediate Typist Clerk (ITC)			4		4	1	4	1	6
Intermediate Clerk							1		1
Senior Typist Clerk	1			1	2		1	2	3

⁹ The job title "Deputy Public Guardian" (DPG) is used interchangeably with "Deputy Public Conservator" (DPC). We will use the DPG designation throughout this report to avoid confusion.

Exhibit 5: Different Counts of FTEs

Job Title	Org Chart/Personnel List					2004-05 Budget Cost Centers			
	LPS Mgmt	Probate Mgmt	LPS	Probate	Total	Mgmt	LPS	Probate	Total
Mgmt Secretary III	1				1	1			1
Senior Secretary III			1		1		1		1
Executive Secretary ⁽⁵⁾	0.5			0.5	1				
Clinic Driver			4		4		2		2
Psych Tech			1		1		1		1
Total FTE	6.6	2.4	60.5	28	97.5	4	72	24	100
Percentage of Total FTE	7%	2.5%	62%	29%	100%	4%	72%	24%	100%

Source: Document Requests 1 and 4

- (1) The Deputy Director and Mental Health Service Coordinator positions have been allocated 80% to LPS and 20% to Probate, based on case loads.
- (2) .5 FTE = Returned retired Financial Division Chief
- (3) Includes Accountant III
- (4) Accounting staff includes the Staff Ass't I and II. Also includes half time Ofelia Gonzaga
- (5) Executive Secretary allocates her time to Division Chief, Probate/Administrative Services and to the Court Reports unit

- Management staffing at the Office of the Public Guardian compares unfavorably with the information provided by the Benchmark Survey, although other staffing is within the Benchmark Survey range as presented in Exhibit 6 below.
 - Management and supervisory positions account for 7.4 FTE or 24% of 30.4 probate conservatorship employees. In comparison:
 - These positions account for 17 FTE or 18% of all 97.5 Public Guardian employees.
 - Among Benchmark Survey participants, only one participant had a higher percentage of management and supervisory positions than the Los Angeles Office of the Public Guardian.
 - Clerical and secretarial positions account for 5% of probate conservatorship employees, the lowest rate among Benchmark Survey participants. (Please note: This does not include the seven CAAs who support DPGs.)
 - Five DPGs (16% of probate conservatorship employees) are assigned to the Investigation unit, which is within the range provided by Benchmark Survey participants.
 - Thirteen DPGs account for 43% of all probate conservatorship employees, which is within the range provided by Benchmark Survey participants.

Exhibit 6: Benchmark Survey Staffing Ratios

Participant	A	B	C	D	F	H	I	J	M	N
Supervisory/Management Staff	1.0	3.0	3.8	1.5	1.0	1.3	1.0	2.5	1.0	2.0
Total Staff	18.0	12.0	18.8	6.5	10.0	7.8	10.0	16.5	19.0	19.0
Supv/Mgmt as % of Total	6%	25%	20%	23%	10%	17%	10%	15%	5%	11%

Exhibit 6: Benchmark Survey Staffing Ratios

Participant	A	B	C	D	E	F	G	H	I	J
Clerical/Secretarial Staff	5	6	7	2	5	0.5	3	6	6	8
Total Staff	18.0	12.0	18.8	6.5	10.0	7.8	10.0	16.5	19.0	19.0
Clerical/Secretarial as % of Total	28%	50%	37%	31%	50%	6%	30%	36%	32%	42%

Investigating DPGs	4.5	n/r	n/r	n/r	1	n/r	n/r	3	1.33	n/r
Total Staff	18.0	n/r	n/r	n/r	10.0	n/r	n/r	16.5	19.0	n/r
Investigating DPGs as % of Total	25%	n/r	n/r	n/r	10%	n/r	n/r	18%	7%	n/r

DPGs	9	3	7	3	4	6	3	8	6	9
Total Staff	18.0	12.0	18.8	6.5	10.0	7.8	10.0	16.5	19.0	19.0
DPGs as % of Total	50%	25%	37%	46%	40%	77%	30%	48%	32%	47%

Source: Benchmark Survey

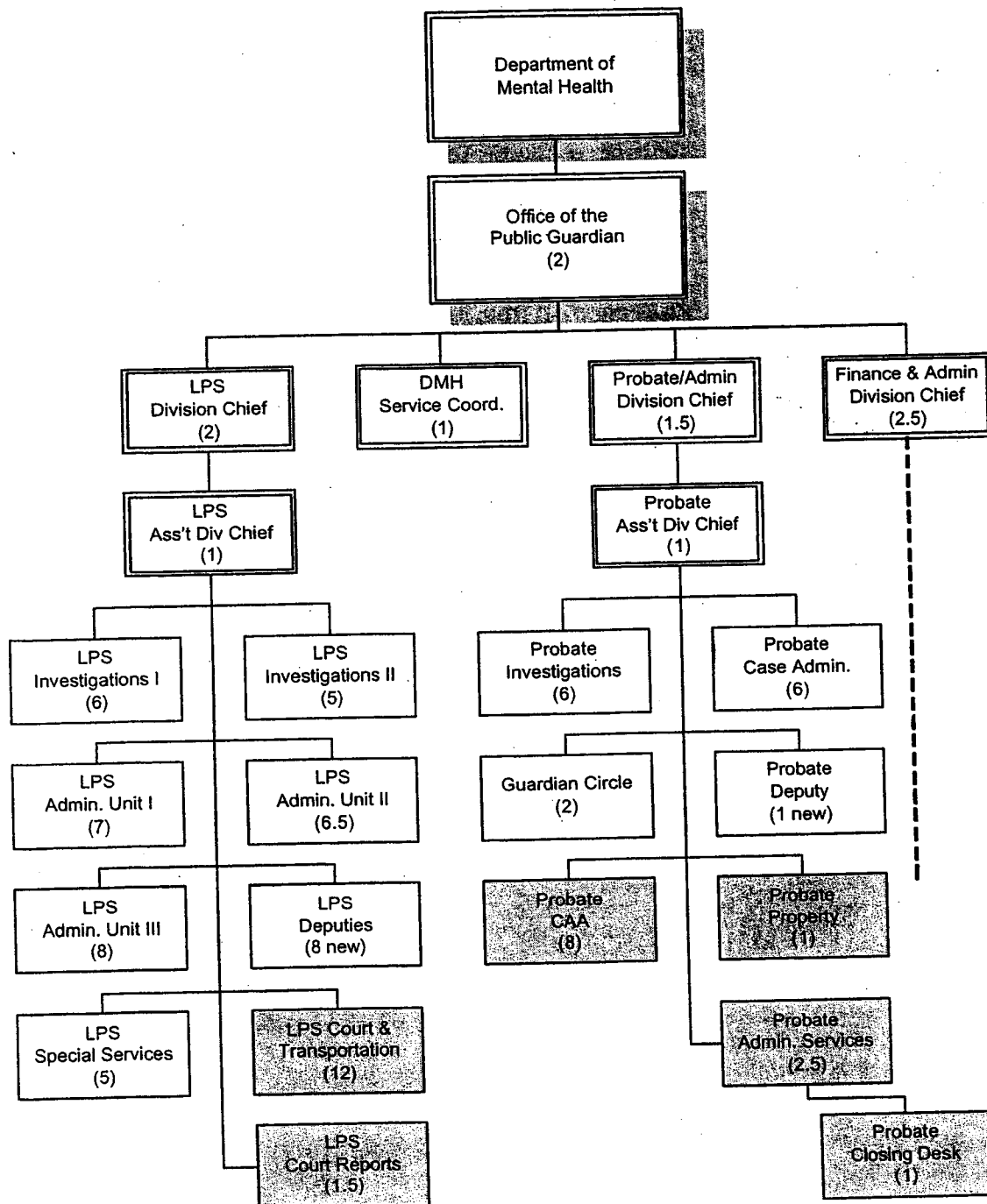
(Note: The Office of the Public Guardian did not complete this section of the survey.)

- As shown on the organizational chart presented in Exhibit 7 on the next page, the average span of control is approximately one manager or supervisor (7.4 FTE) for every three employees (23 FTEs).
 - One Deputy Director has four direct reports (two Division Chiefs, the DMH Service Coordinator, and the part-time Finance Division Chief).
 - The Probate Division Chief has one direct report (the Assistant Division Chief).
 - The Assistant Division Chief has the broadest span of control with seven direct reports (the supervisors of the seven units in the Probate division).
- Selected units in each division perform services for both Probate and LPS conservatorship functions, including:
 - CAA
 - Administrative Support
 - Court/Transportation Services
 - Court Reports

Activities performed by employees in the Investigation and Administration units in both divisions are similar but differ in some significant ways:

- Time frame for required response.
- Type of information gathered in investigations.
- Annual renewals required versus lifetime conservatorship unless a termination is requested.

Exhibit 7: Current Public Guardian Organizational Chart



Note: Shaded boxes indicate that employees in these units perform functions for both Probate and LPS conservatorships.

D. Probate Conservatorship Functions

This section describes the activities performed in the Probate Conservatorship/Administration Division, including probate conservatorship investigations and case administration, case administration assistance, guardian circle, property management, and administrative support.

As the legal conservator, the Public Guardian can claim conservatees' benefits, including Medi-Cal, and is authorized to provide case management services to Medi-Cal beneficiaries.

Terminology

The following table defines some of the most commonly used terms.

Exhibit 8: Definition of Terms

Term	Definition
Probate Conservator	A <i>probate conservator</i> may also be known as a <i>probate guardian</i> , <i>probate deputy</i> , or <i>older adult conservator</i> or <i>guardian</i> .
Conservatee, Client	A <i>conservatee</i> refers to the individual for whom conservatorship or guardianship has been granted (also called <i>adult wards</i>). Conservatees are also referred to as <i>clients</i> .
Deputy Public Guardian (DPG)	At the Office of the Public Guardian, the job title <i>Deputy Probate Guardian</i> may also be called a <i>Deputy Probate Conservator</i> (DPC), or in terms of their role as <i>investigator</i> , or <i>case administrator</i> , <i>caseload worker</i> , or <i>case manager</i> . The term DPG will be used throughout this document to refer to all levels (I, II, and Senior) of deputies, not including Supervising DPGs.
Capacity Declaration	The document which must be signed by the potential conservatee's physician attesting to the individual's inability to care for his or herself. According to the Deputy Director, Probate/Administrative Services, "the Probate Code allows for signatures other than a doctor, however the judges presiding over probate matters in our local courts have indicated a desire to have a physician perform these evaluations whenever possible. The court has on rare occasions accepted a signature from a practitioner but we have not had a case where we have had to use a psychologist exclusively. Our policy is based on the preference of the local courts. In cases where a psychologist is the only available professional, we would rely on County Counsel to advise us on whether they believe we should proceed."
Court Report	DPGs submit <i>Court Reports</i> to County Counsel to recommend that the Public Guardian be appointed conservator.
Appointed (Handle) versus Non-Handle	Referrals that meet the criteria for conservatorship and in which the County becomes the conservator and are recommended for <i>appointment</i> are <i>handled</i> . If the referral does not meet the criteria for conservatorship and is rejected or declined, the case is a <i>non-handle</i> . Every referral that is logged into the Public Guardian's case management system is assigned a number, whether it results in petition for appointment or not.
Pleading	County Counsel submits a <i>pleading</i> to petition the Superior Court to appoint a conservatorship. The pleading is based in the information presented in the Court Report prepared by the Public Guardian.

Exhibit 8: Definition of Terms

Term	Definition
Closed or Terminated Case	A probate conservatorship case is <i>closed</i> or <i>terminated</i> when the conservatee dies or a successor conservator is appointed. (Note: Because LPS conservatorships must be renewed annually, many more LPS cases are closed than probate conservatorship cases.)
CAA	<i>Conservatorship Administrative Assistance</i> and <i>Conservatorship Administrative Assistant</i> (CAA) refer respectively to the organizational unit and the employees assigned to it. The unit provides clerical support to process benefits applications, check requests, and other paperwork associated with management of conservatorships.
Court Accounting/ Probate Accounting	<i>Court Accountings</i> or <i>Probate Accountings</i> document a conservatee's financial assets and the differences in assets from the time of appointment and annually thereafter.
LAPIS	The information system for managing case files that has been in place for about 20 years. The system is managed by an external contractor.
CAN	The Conservator Access Network, known as CAN, is an organization of 25 hospitals who belong to the Hospital Association of Southern California.
APS	Adult Protective Services (APS) is a unit of the County department of Community and Senior Services, tasked with investigating and resolving cases of elder abuse.
Discharge	A case is considered <i>discharged</i> when the conservator has received a court order discharging the conservator from the case. This occurs after the conservator has received an order approving the final accounting, filed a receipt for assets where all the assets under the control of the conservator had been distributed to the former conservatee, or if the conservatee has expired, to the heirs at law or the estate administrator and the conservator has filed a declaration for final discharge.

Investigations

Investigations are initiated based on referrals by outside parties. Exhibit 9 below illustrates the number of referrals for each of the last three years and the average per month number of investigations received in 2004 by source.

Exhibit 9: Referrals Received 2002-2004

Referral Source	2002	2003	2004	Average per month in 2004
CAN	104	119	70	5.8
APS	74	54	55	4.6
LAC-USC	60	61	54	4.5
Community	503	544	587	48.9
Total	741	778	766	63.8

Source: LAPIS

Referral Processing Models

Based on the results of the Benchmark Survey, there does not appear to be an obvious benefit to either integrating or separating the investigation and case management functions: while five agencies have separate functions, like Los Angeles, the other participants have integrated functions.

- In agencies with separate functions, the standard for referrals per person per month among survey participants is about 15, in contrast to the standard of ten for Los Angeles community referrals and five to seven for CAN and APS referrals.
- For those agencies with integrated investigation and case management responsibility, the standard is about seven referrals per month.
- Those agencies that favor separate responsibilities for investigators cite the need to focus on thorough and complete investigations and do not want to deny potentially valid referrals. Their concern is that demanding case management responsibilities could hinder thorough investigations.
- Agencies that prefer the integrated approach believe that case workers gain a more thorough understanding of their conservatees and that important details are less likely to fall through the cracks if cases aren't transferred from one unit to another.

Referral Investigation Process

All referrals are reviewed by the supervisor and, depending on the referral source, are either allocated directly to investigators, or screened to ensure the case meets enough criteria to warrant further investigation. The unit investigates three broad categories of referrals:

- CAN referrals are made by any one of 25 hospitals in the Hospital Association of Southern California. This organization has a contract with the Public Guardian to ensure a quick response and turnaround for conservatorship referrals in acute care hospitals who could be cared for more cost effectively in a skilled nursing or board and care facility. The DPG assigned to CAN referrals investigated an average of 5 or 6 CAN referrals per month in 2004.
- Adult Protective Services (APS) referrals, made by social workers or others involved in the investigation of elder abuse. The DPG assigned to APS referrals investigated between 4 and 5 APS referrals per month in 2004. APS investigations are more time-consuming than CAN referrals because they typically entail visits to the individual's home, working with the APS social worker, tracking down and interviewing medical personnel, neighbors, and others, in comparison with CAN investigators who make field visits primarily to hospitals.
- Community referrals are those made by any other organization or individual, such as friends, neighbors, relatives, or landlords. Referring organizations include skilled nursing facilities (that make the majority of community referrals), LAC-USC and Rancho Los Amigos National Rehabilitation Center (RLANRC), the largest County hospital facility and the well-known rehabilitation hospital, respectively), and the GENESIS program at DMH. The DPGs assigned to community investigate about ten community referrals per month. Community referrals are typically more time-consuming than either CAN or APS referrals, because the individuals making the referrals may be less informed about the

requirements for completing an investigation (such as getting a doctor to prepare a Capacity Declaration), and sometimes potential conservatees are difficult to locate and difficult to interview.

(Please note: The four DPGs, on average, conduct 8.9 referrals per month. They conduct referrals outside their specific assignments to fill in for absent DPGs.)

The purpose of the Investigations unit is to determine if a referral meets the criteria for conservatorship. Those that meet the criteria are recommended for appointment; those that do not are terminated for a variety of reasons discussed later in the report. Referral sources may call the Investigation unit supervisor to complain, but there is not a formal grievance process, per se. However, the referral source can make a new referral if the initial referral was rejected.

Exhibit 10: Eligibility Criteria for Probate Conservatorship¹⁰

The basic criteria for assignment and investigation are that the referred individual is a resident of Los Angeles County and appears to meet the legal basis for conservatorship as outlined in Probate Code Section 1801. A conservator may be appointed "for a person who is unable to provide properly for his or her personal needs for physical health, food, clothing or shelter" or for persons "substantially unable" to manage their financial resource" or "resist fraud or undue influence." There is no minimum or maximum income or asset requirement to conduct an investigation.

Undue influence means any improper or wrongful constraint, machination, or urgency of persuasion whereby the will of a person is overpowered and he is induced to do or forbear an act which he would not do or would do if left to act freely. Influence, which deprives the person influence of free agency or destroys freedom of his will and renders it more the will of another than his own. Misuse of position of confidence or taking advantage of a person's weakness, infirmity, or distress to change improperly that person's actions or decisions.

For the Public Guardian to proceed on the referral, it must indicate that the subject is a resident of Los Angeles County and has an inability to provide for his/her personal needs for physical health, food, clothing or shelter or is substantially unable to manage his/her financial resources or resist fraud or undue influence. Referrals which include allegations of elder/dependent abuse, server self-neglect or the imminent, substantial loss of property, will be given priority.

Case Administration

Once recommended for appointment, the case is forwarded to the Administration unit supervisor who then distributes cases among four DPGs by geographic region:

¹⁰ Draft Public Guardian Policy/Procedure: New Case Screening and Assignment (Probate)

- South
- Westside
- San Fernando Valley
- San Gabriel Valley

The fifth DPG is assigned to high asset cases throughout the County.

Case administration deputies currently have caseloads that range from about 75 to 90. Seventy-two cases left uncovered due to a 2004 retirement have been allocated among the DPGs and their supervisor. There is not an agreed-upon caseload standard among DPGs: some believe it should be as low as 45 cases, others think as many as 60 cases would be manageable.

As of December 31, 2004, there were 505 active conservatorship cases. As shown in Exhibit 11, almost one-half of these have been clients for five years or more and the majority of all clients are located in skilled nursing facilities. Only about 10% of the clients had a criminal history or suffered from substance abuse.

- Ninety-six of the 143 conservatees who had conservatorships established in 2004 were placed in skilled nursing facilities.
- 23 were placed in board and care facilities.
- Nine either stayed in or returned to independent living after appointment.
- Fifteen were in acute hospitals by the end of the calendar year.

Exhibit 11: Selected Conservatorship Statistics

Category	Number of Clients	Percentage
One year or less	121	24%
One to two years	59	12%
Two to three years	55	11%
Three to four years	22	4%
Four to five years	34	67%
Five years or more	214	42%
Total Number of Clients	505	100%
Living Arrangements		
Independent	31	6%
Board and Care	89	18%
IMD	3	0.6%
C/H—Skilled Nursing Facility	307	61%
Jail	1	0.2%
Private hospital	16	3%
County Hospital	0	0.0%
State Hospital	0	0.0%
VA Hospital	0	0.0%
AWOL	4	0.8%
Pending ID number/Other	54	11%
Total Number of Clients	505	100%

Exhibit 11: Selected Conservatorship Statistics

Length of Conservatorship	Number of Probate Clients	% of Total Probate Clients
Special Cases		
Criminal History	14	20%
Murphy Conservatorship	0	0.0%
Substance Abuse	44	64%
Illegal Resident	1	1%
ACT Client	0	0.0%
Homeless at Referral	10	14%
Total Number of Clients	69	100%

Source: LAPIS, Document Requests 17 and 18

Case administration duties include:

- Reading the file and becoming familiar with such case specifics as residence, physical and mental health conditions, size and nature of the conservatee's estate, current benefits (i.e., Medi-Cal, Social Security, Supplemental Social Income (SSI), Veterans Administration, etc.), eligibility for additional benefits.
- Case file preparation for County Counsel.
- Quarterly personal visits.
- Day-to-day case management, including benefits management and bill paying, interactions with care givers, family, and other concerned individuals.
- Oversight of client medical care.
- Compliance with court required documents such as property inventories and appraisals, court accounting, special medical petitions, sale petitions, and estate planning activities.
- Oversight of the conservatee's financial and real property assets.

When a probate conservatorship case is terminated, usually due to the death of the conservatee (but sometimes due to the request of the conservatee or transfer to a successor conservator), the Closing Desk (a sub-unit of the Administrative Support unit) makes funeral and burial arrangements, contacts any next-of-kin, submits final check requests to the Public Administrator/T-TC accounting function, and prepares the file for disposition of any remaining assets to heirs at law or administrators of the estate. (For LPS conservatees, the Closing Desk must restore authority over and responsibility for the individual's assets.)

Property

The purpose of the Property unit is to evaluate, inventory, and safeguard a conservatee's physical assets, such as real property, automobiles, furniture, jewelry, or other valuables, in accordance with applicable probate sections, in order to:

- Ensure the assets are not vulnerable to theft.
- Determine, on an ongoing basis, what property may be sold to provide funds for the conservatee's food and shelter, clothing, and medical care.

- Transfer physical assets to storage for safekeeping for the duration of the conservatorship.
- Dispose of assets upon termination of the conservatorship.
- Secure client residence.

The majority of the work performed by the single supervisor in the Property unit is for Probate Conservatorships. (Please note: Storage, property management and other activities related to a conservatee's property are performed by the Public Administrator/T-TC were not evaluated for this study.)

Conservatorship Administrative Assistance (CAA)

Part of the day-to-day administration of both LPS and Probate Conservatorships includes completing and processing myriad forms for benefits, change of address, change of title vesting with banks, pharmacy and other bills, etc. Some of these applications must be completed as part of a new conservatorship appointment – such as confirming whether a conservatee has or is eligible to apply for Medi-Cal, Veterans Administration, or Social Security benefits, or change of address – while others are completed periodically (eligibility confirmations), or on an ongoing basis (bill paying). DPGs from both LPS and probate conservatorship administration units forward their requests for benefits applications or bills to be paid to the CAA supervisor who distributes the tasks to the seven CAAs in the unit. CAAs are not assigned to a particular case or DPG.

Administrative Support

The Administrative Support unit provides accounting functions and the Closing Desk.

Accounting Functions

The Administrative Support Supervisor oversees the work of an Accountant III and an Accounting Tech. Although this supervisor reports to the probate conservatorship Assistant Division Chief, she has a "dotted-line" reporting relationship to the part-time Division Chief over Finance. This function also reviews accounts to ensure maximum charges of fees.

Closing Desk

A single DPG works both terminated LPS and probate conservatorship files, further described above under Case Administration.

Court Reports

The Court Reports unit, staffed by an Executive Secretary and an ITC, prepares the court reports drafted by Investigation DPGs for both LPS and Probate referrals to submit to County Counsel. Most DPGs draft their own court reports.

Guardian Circle

The Public Guardian Circle Office has about five volunteers who are assigned to both LPS and probate conservatees for social outings and friendly visits to provide needed social contact and

mental stimulation. At the holidays, about 200 more volunteers join for a special project of the wrapping and delivery of donated gifts and cards to each conservatee. Staffed by a DPG and an ITC, the Guardian Circle unit works with the Volunteer Coordinator.

Probate/Court Accounting¹¹

According to the report prepared by the Office of the Public Guardian in January, 2004, the probate code requires routine accounting on conservatees' assets one year after the original appointment of conservatorship, and at least biennially thereafter, unless otherwise directed by the Court. The accounting must include the time period, a summary of all charges and credit, and detail the following:

- Property on hand at the beginning and at the end of the accounting period.
- Income and principal receipts.
- Gains on sales or new income from a principal asset.
- Estate liabilities.
- In the case of death, expenses prior to and after the date of death.
- Disbursements and losses on sales.

In the case of small estates (e.g., net value of less than \$7,500), the accounting may be waived.

In addition to staff from the Investigations, Administration, and CAA units who provide information for probate accountings via LAPIS, County Counsel, the Public Defender, a Probate Referee, and the accounting function at the Public Administrator/T-TC also participate in the Probate Accounting process.

Participation in Professional Organizations

Public Guardian managers are members of and participate in professional organizations, including:

- California State Association of Public Administrators, Public Guardians and Public Conservators.
- Southern California Association.
- National Guardianship Association.

Managers actively participate in the development and presentation of association training modules.

¹¹ County of Los Angeles Office of the Public Guardian, "Probate Conservatorship Accounting Process," prepared by Public Guardian employee Lucille Lyon, January 9, 2004

Relationships with County Departments

The Office of the Public Guardian has formal relationships with County Counsel, the Public Administrator/T-TC, APS, and its "parent" department, DMH.

- County Counsel represents the Public Guardian in all legal proceedings related to conservatorships, in particular filing petitions for conservatorship with the Superior Court. The 2004-2005 budget for County Counsel services to the Public Guardian is \$1,983,860 at the rates presented in Exhibit 12 below.

Exhibit 12: Current County Counsel Billing Rates

Position	Billing Rate
Principal Deputy/Senior Deputy	\$179.46
Deputy County Counsel	\$151.75
Sr. Assoc. County Counsel	\$118.88
Paralegal	\$ 70.13

Source: Document Request 30

- The Public Administrator/T-TC provides data processing and accounting services to support case management. T-TC staff perform many of the services, while external vendors have contracts with the T-TC to provide others.
- APS has a MOU with the Public Guardian to expedite processing of referrals.
- DMH has agreements with the Public Guardian regarding processing of referrals from GENESIS and its Older Adults Program. (As noted earlier, the Office of the Public Guardian is part of DMH).

E. Financial Management

Financial management at the Public Guardian is complicated by the differences in funding sources for its two functions. LPS operations are funded by State of California realignment funds provided to DMH and by fees, approved by the Court, and received from persons with resources who require LPS conservatorship services. As shown in Exhibit 13 below, in contrast to other counties in the State, the probate conservatorship function receives no net County funds to support its operation and no fees from any other governmental (federal, state or local) source. In fact, the County stopped funding the probate conservatorship function during the tight budget years of the early 1990s. In 1991 or 1992, the County Chief Administrator Officer made a formal recommendation to the Board of Supervisors that County general funds could be eliminated from the budget for probate conservatorship services because they were not a state-mandated function. The Board accepted that recommendation and adopted a budget that eliminated those funds from the final budget. Instead, probate conservatorship operations are dependent on the Court-approved fees generated by conservatee estates and on fees generated by MOUs and contracts the Public Guardian has established with other departments and agencies.

Exhibit 13: Earned Revenue versus Other Revenue

Agency	Earned Revenue	Gov. of Other Revenue	Total Revenue	Estate Fees as a % of Total Revenue
Los Angeles	\$1,518,725	n/a	\$1,518,725	100%
A	\$215,538	\$883,800	\$1,099,338	20%
B	\$478,933	\$2,005,939	\$2,485,872	19%
F	\$88,000	\$183,000	\$271,000	32%
G	\$700,000	\$2,270,000	\$2,970,000	24%
H	\$384,207	\$404,343	\$788,550	44%
L	\$50,000	\$131,750	\$181,750	28%

Source: Benchmark Survey, Document Request 31

Estate Fees

Fees are recommended by the Public Guardian and approved by the Auditor-Controller, and are shown in Exhibit 14, but must also be justified to and approved by the Court. To collect the estate fees, the Public Guardian submits to the Court a statement that details services provided and the hourly billing rates of the staff involved.

Exhibit 14: 2004-2005 Hourly Rates

Position	Probate	LPS
Conservator Administrator Assistant	\$65.38	\$83.08
Deputy Public Conservator/Administrator II	\$89.31	\$113.49
Senior Deputy Public Conservator/Administrator	\$94.26	\$119.81

Source: Document Request 30

Other Revenue Sources

A contract with the Hospital Association of Southern California/Conservator Access Network (CAN), a MOU with APS, Targeted Case Management (TCM) fees, and arrangements with LAC-USC and Rancho Los Amigos National Rehabilitation Hospital also provide revenue for probate conservatorship operations.

Total revenue for probate operations for the last four fiscal years is shown in Exhibit 15 below. Estate fees are based on the fees presented in Exhibit 14 above for probate conservator functions and must be approved by the Superior Court during Court hearings.

Targeted Case Management

TCM provides another source of revenue for the Public Guardian. TCM consists of case management services that assist Medi-Cal eligible individuals within specified targeted groups to access needed medical, social, educational, and other services. TCM service components include needs assessment, setting needs objectives, individual services planning, service scheduling, crisis assistance planning, and periodic evaluation of service effectiveness. Case management services ensure that the changing needs of the Medi-Cal eligible person are addressed on an ongoing basis and appropriate choices are provided from the widest array of options for meeting those needs. Targeted case management became a covered Medi-Cal benefit effective January 1, 1995, pursuant to the Welfare and Institutions Code, Section 14132.44.

Case management services are provided to six defined target populations. These target populations are defined in the California State Plan by "age, type or degree of disability, illness or conditions, or any other identifiable characteristic or combination thereof." TCM providers are limited to Local Government Agencies (LGA) under contract with the California Department of Health Services to provide TCM services, and are identified in the California State Plan. The State Plan is a comprehensive document describing the nature and scope of California's Medicaid program. The federal Centers for Medicaid and Medicare Services must approve the State Plan before federal financial participation will be reimbursed to the State. LGAs may subcontract with nongovernmental entities or the University of California, or both, to provide TCM services on their behalf. The six distinct TCM populations are Public Health, Outpatient Clinics, Aging and Adult Services/Linkages, Public Guardian/Conservator, Adult Probation, and Community. Currently, TCM funding is primarily limited to eligible residents in board and care facilities.

Exhibit 15: Probate Revenue per CAPS Report

Revenue Source	FY 04-05	FY 05-06	FY 06-07	FY 07-08
Estate Fees	\$1,169,143	\$1,363,248	\$972,982	\$777,495
Health Care Assoc. (CAN)	69,800	90,727	104,685	126,619
LAC/USC	44,276	37,101	68,331	47,689
Rancho Los Amigos			4,020	4,863
TCM	30,467	375,227	616,049	462,060
Intrafund DCSS	100,000	100,000	76,821	100,000
Total Revenue	\$1,413,685	\$1,966,303	\$1,842,889	\$1,518,725

Source: Document Request 31

For comparison, total revenue for LPS for the same time period is shown in Exhibit 16.

Exhibit 16: LPS Revenue per CAPS Report

Revenue Source	FY 04-05	FY 05-06	FY 06-07	FY 07-08
Estate Fees	\$427,009	\$479,388	\$422,032	\$429,656
TCM Revenue	118,514	1,231,508	1,665,485	1,585,817
Total Revenue	\$545,524	\$1,710,897	\$2,087,517	\$2,015,473

Source: Document Request 34

Public Guardian Budget

The Public Guardian budget is based on the salary costs divided among three cost centers. Additionally, about one-half of the total costs are from outside supplies and services, including:

- Legal services provided by County Counsel.
- Accounting and property (real and personal) services provided by the T-TC.
- Auctions.
- Other supplies and services.

For Fiscal Year 2004-2005, the total budgeted cost is shown in Exhibit 17 below.

Exhibit 17: Fiscal Year 2004-2005 Budget Summary

Budget Item	Budgeted Positions	LPS Costs	Probate Costs	Total Budget
Deputy Director Cost Center ⁽¹⁾⁽²⁾	4	\$249,359	\$83,120	\$332,479
LPS Cost Center ⁽²⁾	73	\$4,629,507		\$4,629,507
Probate Cost Center ⁽²⁾	24		\$1,561,955	\$1,561,955
Total Personnel Costs ⁽²⁾	101	\$4,878,866	\$1,645,086	\$6,523,941
County Counsel Services	n/a	\$1,487,895	\$495,965	\$1,983,860
T-TC Services	n/a	\$868,091	\$289,364	\$1,157,455
Other Supplies and Services ⁽³⁾	n/a	\$234,000	\$78,000	\$312,000
Total Supplies and Services	n/a	\$2,589,986	\$863,329	\$3,453,315
Total Budget		\$7,468,852	\$2,508,415	\$9,977,256

Source: Document Request 30

- (1) Cost for Deputy Director Cost Center is split 75% LPS and 25% Probate.
 (2) All personnel costs are shown at Annual 5th Step and include 32% employee benefits.
 (3) Total cost of \$312,000 is shown with an estimated split of 75% LPS and 25% Probate

F. Strategic Planning

Management has initiated a process to develop vision and mission statements separate from DMH. As part of DMH, the Office of the Public Guardian supported the mission statement of its parent department as follows:

Exhibit 18: Mission Statements

Department of Mental Health
We make our community better by providing world-class mental health care.
Public Guardian
The Public Guardian supports that vision by providing professional conservatorship services of high quality and integrity.

Source: Public Guardian

In the last year, the Public Guardian initiated a process to develop its own vision and mission statements to reflect the function's specialized operations, while continuing to support DMH's mission. The following exhibit presents the Public Guardian's efforts to date¹².

Exhibit 19: Public Guardian Preliminary Strategic Planning Process

Consideration/Applications to Public Guardian
<ul style="list-style-type: none"> Public Guardian is part of the Department of Mental Health with its vision of "making communities better by providing world-class mental health services." Department of Mental Health provides clinical services; Public Guardian non-clinical conservatorship services. Can probate be funded by mental health dollars?

¹² Document provided by the Public Guardian Deputy Director.

Exhibit 19: Public Guardian Preliminary Strategic Planning Process

Strategic Thoughts and Actions for Public Guardian - For Discussion	
<ul style="list-style-type: none">▪ Public education regarding Public Guardian and conservatorship<ul style="list-style-type: none">▪ pamphlets and booklets▪ Smarter Senior Forums; NAMI, SAAC meetings▪ Website – not developed▪ Workforce readiness<ul style="list-style-type: none">▪ Classification review/reclass▪ Training – master plan/matrix▪ Curriculum development▪ Training Bureau▪ Partnership/Stakeholders<ul style="list-style-type: none">▪ Mental Health Commission▪ Other Department of Mental Health units▪ County Counsel▪ Courts▪ APS▪ Hospitals▪ SNFs/IMDs/board & care homes▪ NAMI▪ Consumer groups▪ SSA/DPSS▪ Infrastructure<ul style="list-style-type: none">▪ Computer system; desktop capability▪ Other office equipment▪ Vans, mobile radios, cell phones, video and other cameras▪ Reports/forms/data collection	
Outcomes Development	
<ul style="list-style-type: none">▪ To be developed	

Source: Public Guardian

In response to requests for input, Public Guardian staff has made the following suggestions for a mission statement:

- “We make our community better by providing world-class conservatorship services.”
- “We provide conservatorship services of high quality and integrity.”
- “We make our community better and improve the lives of vulnerable individuals by providing world-class conservatorship.”
- “We make our community better and improve the lives of vulnerable individuals by providing conservatorship services of high quality and integrity.”

G. Challenges and Trends in Older Adult Needs

Approximately 28% of Californians live in the County of Los Angeles and 13% of these residents are age 60 and over. According to 2002 U.S. Census Bureau estimates, the County of Los Angeles had the largest population (955,000) and the largest numerical increase (29,000) of 65-and-over people.

The population of older adults (aged 60 and older) will continue to grow throughout the country, the state, and especially in Los Angeles County. According to the State of California Department of Aging, the elderly age group in the state will have an overall increase of 112% during the 30 year period from 1990 to 2020, with the highest rate among those aged 85 and older. The following table illustrates the County of Los Angeles in comparison with nearby San Diego, Orange, and Riverside counties, and with the state overall.

**Exhibit 20: Changes in the Aging Population
Los Angeles Compared to Other Counties and the State of California¹³**
(in millions)

Population	Los Angeles County	San Diego County	Orange County	Riverside County	Three Counties Combined	State of California
1990						
Total Population	8.9 (30%)	2.5	2.4	1.2	6.1 (20%)	29.8
Aged 60+ years	0.7 (17%)	0.4	0.3	0.2	0.9 (21%)	4.2
2000						
Total Population	9.5 (28%)	2.8	2.8	1.5	7.1 (21%)	33.9
Aged 60+ years	0.8 (17%)	0.4	0.36	0.3	1.06 (23%)	4.7
2003 Estimate						
Total Population	9.9 (28%)	2.9	3.0	1.8	7.7 (22%)	35.5
Projections for the Population Aged 60+ Years						
2010	1.6 (25%)	0.5	0.5	0.4	1.4 (22%)	6.4
2020	2.2 (25%)	0.7	0.7	0.5	1.9 (22%)	8.7
2030	2.7 (25%)	0.9	0.9	0.6	2.4 (22%)	11
2040	2.8 (23%)	1.1	0.9	0.7	2.7 (23%)	12
2050	2.6 (20%)	1.2	1.0	0.8	3.0 (23%)	12.8

* Shown as percentage of the state total.

- Los Angeles County is by far the largest county in California and is three to four times larger than such neighboring counties as San Diego, Orange, and Riverside, and 50% larger than those three combined.
- The percentage of those aged 60 and older in the county grew from about 700,000 in 1990 to 800,000 in 2000.

¹³ U.S. Dept of Commerce, U.S. Census Bureau; California Department of Aging: Statistics and Demographics

- By 2010, the 60+ population is expected to reach about 1.6 million in the County and to reach 2.2 million by the year 2020.

As evidenced by the range of topics listed in Exhibit 21 below, the activism of organizations like AARP, concerns in the general public about social security, public service billboards for elder abuse, etc., the elderly population, their families, and other caregivers and concerned citizens are increasingly aware of their needs and rights.

Exhibit 21: Concerns for the Elderly

Safety Concerns	Abuse Concerns
<ul style="list-style-type: none"> ▪ In-home help ▪ Staying independent ▪ Dangerous driving ▪ No transportation ▪ Loss of vision ▪ Dementia ▪ Conservatorship 	<ul style="list-style-type: none"> ▪ Elder abuse & neglect ▪ Hoarding behavior ▪ Helping a Senior at Risk ▪ Bedsores ▪ Domestic Violence
Housing Concerns	Crime & Safety
<ul style="list-style-type: none"> ▪ Eviction of a senior ▪ Homeless senior ▪ Nursing home ▪ Assisted Living 	<ul style="list-style-type: none"> ▪ Safety & Security ▪ Consumer fraud ▪ Crime Prevention ▪ Filing a crime report
Benefits & Rights	
<ul style="list-style-type: none"> ▪ Denial of benefits ▪ Age discrimination 	

Source: LA4Seniors website

As the local aging and elderly population continues to grow, and property values continue to increase, demand for services will increase correspondingly. The Public Guardian, like other government, private, non-profit, and charitable organizations that already provide a plethora of services for the aging and elderly, will be under pressure to provide even more.

H. Age-Related Dementia

Age-related dementia, such as Alzheimer's disease and other cognitive impairments, can be increasingly disabling to older adults. A cognitive deficit or impairment is defined as "having difficulty with perception, memory, or abstract thinking that interferes with one's ability to learn. It may also involve impaired judgment, inattentiveness, impulsiveness, or impairment of speech and language. The process of aging brings on a progressive decline in every person's overall mental performance. When this happens, we lose our ability to store and recover information from the short term memory. We also gradually lose our ability to learn new things. Aging can affect cognitive function in several ways, including memory loss, dementia, and senility.

Dementia is the most serious form of cognitive impairment and is usually age-related. It is often a gradual process that may take months or even years to become evident. The symptoms of dementia often include cognitive deficits and vary according to which areas of the brain are affected.¹⁴

Many of those suffering from dementia, regardless of their physical health, are not competent to care for themselves and therefore meet the criteria for probate conservatorship. There is substantial debate, however, on whether age-related dementia should be considered a form of mental illness. This debate also has a significant impact on available funding for probate conservatorships.

Currently, State of California realignment funds may only be used to fund mental health services, which do not include dementia. At the Office of the Public Guardian, which is a unit of DMH, these funds are used for LPS-related activities. However, the Public Guardian is not able to use these funds for probate conservatorship activities, despite the fact that many conservatees suffer from age-related dementia. County Counsel is in the process of examining the restrictions on the use of realignment funds in response to a recent Board of Supervisors motion, but based on our conversations, County Counsel has indicated that use of realignment funds to support management and administration of probate conservatorship functions would not be allowed. A formal opinion of this examination was not available at the time of this Report.

I. Strengths and Weaknesses

blueCONSULTING's survey of the probate conservatorship function at the Public Guardian revealed many organizational strengths and weaknesses.

Strengths

- The Public Guardian has "made do" on a very limited budget, operating at no net County cost since the early 1990s.
- The Public Guardian has shown entrepreneurial initiative in establishing contracts and MOUs to bring in a revenue stream for this non-mandated service.
- Despite the stringent funding, the Public Guardian processes more than 700 cases per year. In 2004:
 - 766 referrals were submitted.
 - 129 cases were petitioned for appointment.
 - 505 active cases were managed by case management DPGs.
- The Public Guardian has successfully reduced a significant backlog in referrals from about 250 to 48. Currently, the oldest backlogged referrals were submitted in July 2004.
- Many employees at all organizational levels are compassionate and identify with the Public Guardian's mission to provide assistance to at-risk older adults.

¹⁴ <http://www.nku.edu/~hcp/COGNITIVE%20DEFICIT>.

- The Public Guardian has attracted and retained a number of knowledgeable and productive staff.
- Key managers and employees have longevity, with the resulting institutional understanding and expertise in Public Guardian issues.

In summary, the greatest strengths of the Office of the Public Guardian probate conservatorship function are the employees' commitment to serving older adults and management's entrepreneurial approach to resolving a significant and chronic funding shortage.

Weaknesses

- The probate conservatorship function suffers from insufficient funding. In contrast with other counties throughout California, Los Angeles County is one of the few that does not fund its probate conservatorship function. The lack of a reliable funding source puts the Public Guardian and its customers at a disadvantage given the high volume of referrals and active cases in the County.
- The actual mission of the Public Guardian probate conservatorship function is unclear. For example, is the Public Guardian's mission to:
 - Maximize the oversight of at-risk elders by petitioning most referrals for conservatorship appointment? Or serve as the last resort only for those who have no other means?
 - Address capacity issues at acute care hospitals by moving stable elderly patients as quickly as possible to skilled nursing facilities?
 - Relieve hospitals of the high cost of maintaining incompetent elderly patients whom the hospitals cannot otherwise move to skilled nursing facilities?
 - Appoint probate conservatorships only for those incompetent older adults with estates to protect (versus the indigent for whom skilled nursing facilities can be appointed as Representative Payees)?
- The current organizational structure is top-heavy and has overlapping responsibilities. Given the overall size of the Public Guardian, four layers of management (including supervisors), seem excessive.
- The Public Guardian will face substantial loss of institutional knowledge, especially with near-term retirements of one-half of the senior management group.
- Public Guardian managers and supervisors have narrow spans of control (from one-over-one or two to one over six or eight).
- The organizational structure appears to be based on equalizing the work load or scope of responsibility under the two Division Chiefs and their respective Assistant Division Chiefs, rather than recognizing 1) the 80%-20% split of work volume between LPS and probate, respectively, and 2) the common activities performed for both LPS and probate.
- High turnover and long-term absences have made it difficult for other employees to manage the volume of work.
- Public Guardian functions are fragmented across organizational units resulting in lack of ownership and accountability. For example:

- It is unclear if selected job duties "belong" with the DPG or with a lower level CAA position.
- All terminated LPS and probate conservatorships flow to one DPG who has had no prior interaction with the case.
- CAAs process applications and check requests for both LPS and probate conservatorships on a first-come-first-served basis, with no other involvement in the cases.
- External organizational factors contribute to fragmentation of Public Guardian services. For example:
 - The Public Guardian has no authority over the Public Administrator/T-TC functions, yet reception, bill-paying, and other services are critical components of customer service for probate conservatorship service providers and creditors.
 - The Public Guardian has no authority over expediting cases assigned to attorneys at County Counsel, yet DPGs have routinely complained about poor service.
 - The Public Guardian has insufficient interaction with and support from APS.
- The CAA position lacks a career path which leads to a lack of ownership.
- Employees within the same units do not have a common understanding of priorities, work standards, or work loads.
- Based on descriptions of their job duties, executive clerical personnel appear to be underutilized.
- Overall, despite concerns about the high volume of referrals and high caseloads, the Office of the Public Guardian lacks a sense of urgency.

In summary, the lack of a clear mission, lack of adequate funding, high caseloads, fragmentation of processes, problematic management culture, lack of performance and staffing standards, and organizational structural issues result in the Public Guardian not performing its functions appropriately or thoroughly:

- Customers are treated differently based on the referral source.
- High caseloads prevent staff from performing required services in a timely and thorough manner.
- Fragmentation of processes across different organizations results in a lack of accountability for the quality of provided services in terms of responsiveness, timeliness, accuracy, and thoroughness.
- A strong managerial work ethic, accountability, and leadership are not characteristic of the Public Guardian's culture.
- The Office has not established clear standards for performance and staffing.
- Organizational structure is top-heavy and not supportive of accountability.

IV. Leadership, Culture, and Organizational Structure

This chapter presents blueCONSULTING's findings and related recommendations concerning the management and culture of the probate conservatorship function of the Office of the Public Guardian.

A. Evaluative Criteria

The criteria for evaluating leadership, culture, and organizational structure include:

- **Leadership and Management.** Leadership entails establishing an organization's vision and motivating employees to achieve that vision. Managers use effective policies and procedures, accountability, discipline, and other tools to ensure operational success. Does the senior management team provide cohesive and consistent leadership and direction? Do they act as advocates on behalf of their employees with external departments and agencies? Are there effective policies and procedures to guide Public Guardian operations?
- **Values and Philosophy.** Organizational values or guiding principles are the foundation for how organizations approach their mission. Are appropriate organizational values modeled by managers and supervisors that reflect overall County values and the Public Guardian's mission? Can employees identify the Public Guardian's values and organizational philosophy?
- **Culture.** Organizational culture is the combination of beliefs and behaviors that, taken together, describe daily operations and the work environment. What are the characteristics of the Public Guardian's culture? Are these in alignment with the Public Guardian's mission and values? What impact does the culture have on the Public Guardian's operations, productivity, and customer service?
- **Strategic Planning.** Strategic planning is a process for identifying an organization's highest priorities, establishing goals, and measuring success. Does the organization have a current strategic plan? Is planning integrated into management's approach to the organization? Has the strategic direction been adequately communicated to employees?
- **Organizational Structure.** Organizational structure describes the formal relationships that exist between different individuals, functions, and activities. Are management levels and spans of control optimal? Are processes in alignment to achieve operational success? Does the current organizational structure enhance or hinder operational success? Are processes unnecessarily fragmented and inefficient?
- **Policies and Procedures.** Written policies and procedures document how things are done, establish standards and guidelines, and provide a basis for training new employees. Do policies and procedures adequately guide operational processes?
- **Training and Professional Development.** Training for new or internally transferred employees and other opportunities for professional development ensure that job duties are performed in accordance with established standards and that employees are being prepared for advancement or succession for anticipated retirements. Do new employees receive training on a timely basis? Are training programs comprehensive and of high quality?

- **Communication.** Communication ensures that the right people have the right information at the right time to do their jobs effectively. Does management use a variety of tools to ensure effective internal communication, for example: periodic meetings at all organizational levels, open door policy to encourage problem-solving, "management by walking around," effective internal memoranda or intranet email?

B. Findings

Finding #1: Although additional staffing is clearly needed, the Public Guardian has not prepared a case based on work content, performance standards, or comparative information to justify additional staffing.

Staffing standards do not exist for either referral investigation or case management. Additionally, the Office has not previously made a compelling case for its staffing needs based on an objective job analysis. However, the information provided in the Benchmark Survey conducted as part of this study supports the Public Guardian's need for additional staffing for its probate function.

Finding #2: Employees perceive the senior management team to be uninvolved in solving the day-to-day problems that face the department.

The actions and attitudes of the senior management team at any organization have a tremendous impact on the productivity, work ethic, and morale of its employees. Based on interviews and observation, blueCONSULTING is concerned about the leadership and vision provided by the senior management team and the resulting organizational culture at the Public Guardian.

Senior managers do not "manage by walking around." Although they have individual strengths, as a team they are inaccessible and are not sufficiently involved in day-to-day operations. Some do not keep regular work hours and the senior financial manager works part-time.

The senior management team is located on a separate floor from the majority of Public Guardian employees. While not a problem in and of itself, it does contribute to the isolation and separateness reported by employees.

While members of the management team are considered to be very knowledgeable and have long tenure, they do not appear to use that knowledge to solve the chronic problems faced by the department. For example, case administration DPGs reported ongoing difficulty in the responsiveness of some of the County Counsel attorneys assigned to probate. In another example, the Closing Desk DPG and CAAs report a consistently slow response and turnaround time by the T-TC accounting function. This lack of responsiveness can have a significant impact on the Public Guardian's ability to expedite conservatorship appointments and to ensure that creditors' bills are paid in a timely manner. The Public Guardian is dependent on these two external entities to complete its major functions, yet employees perceive that management is not sufficiently advocating on their behalf because chronic

problems have not been resolved.

Finding #3: Public Guardian management appears to be more motivated to solve problems to maintain the department's external image than to improve operations.

Management is correct to be concerned about a possible exposé by the media regarding backlogs for processing conservatorships – negative attention from the leading local newspaper is never welcome. However, the backlog had been building up over several months, and no action was taken to alleviate the backlog until *The Los Angeles Times* began asking for information and the Board of Supervisors got involved.

Similarly, issues raised early in this organizational review process were acted upon once they were brought to management's attention by DMH senior management, despite the fact that they had been easily observed and ongoing. Two examples include television during work hours and the scarcity of office supplies:

- Several employees expressed concerns about the amount of time other employees spent watching television at their desks during work hours. Ostensibly only watched during lunch breaks, staggered lunch hours result in turned-on televisions for several hours a day. Once this practice was questioned by DMH senior management, Public Guardian senior management initiated a policy forbidding any television viewing during work hours.
- During the interviews, several employees complained about the difficulty in obtaining such routine office supplies as printer paper, printer cartridges, pens, and paper. Furthermore, the results of a 2004 survey had identified this problem: out of 28 responses to the March 9, 2004 Employee Survey's open-ended question: "If I could change one thing to improve my job, I would," three (11%) comments were about the lack of office supplies. Yet senior management did not deal with this long-term, ongoing problem until the consulting team brought it to their attention.

Finding #4: Management at the Office of the Public Guardian appears to lack a sense of urgency.

- Despite concerns about the backlog and complaints about the heavy caseload and understaffing, there does not appear to be a sense of urgency about getting work done. According to interviews with staff, little or no overtime was authorized specifically to address the backlog. In fact, since the rate of referrals has not increased significantly over the last few years, the development of the backlog in the first place may have resulted from the overall lack of concern about processing referrals that, upon initial screening, did not meet the criteria for conservatorship. Non-urgent (as defined by the supervisor) referrals are put on the back burner for six or more months. Although the backlog has been reduced by using a screening DPG, many referrals are not acknowledged, investigated, or disposed until the referral source complains and forces a change in its priority status.

Finding #5: Impending retirements create a significant gap in management and expertise.

The top three managers and a number of others are nearing retirement; some are expected to retire within the next one to two years. This is a problem in a number of County departments and the County policy of not replacing potential retirees until the actual retirement aggravates the situation. Although the Office has taken several steps to alleviate the potential problem, the Public Guardian has not focused enough effort on developing younger employees to replace soon-to-be-leaving supervisors and managers. The retired Finance Division Chief has already returned from retirement to work on a part-time basis, and is likely to want to retire again on a permanent basis, yet his substantial knowledge and expertise is not being adequately transferred to others. This situation foreshadows a difficult transition with less-experienced managers who lack critical knowledge, experience, and expertise.

Finding #6: The Office of the Public Guardian lacks guiding principles or values, although management has initiated a process to develop vision and mission statements separate from the Department of Mental Health.

As discussed earlier in the report, the Office of the Public Guardian has taken preliminary steps to developing its own mission statement. However, planning – strategic planning or otherwise – is not formally used or integrated into day-to-day operations.

In addition to a clearly and commonly understood mission, the Public Guardian lacks guiding principles or values that set the stage for effective management and efficient operations. Examples of such values include:

- We put our customers first by being responsive, prompt, and accurate.
- The frail elderly are among the most vulnerable residents of the County and deserve the best possible care.
- We are committed to the highest ethical standards and integrity in all our work.
- Respect and consideration for others are critical to an effective working environment.

Finding #7: Staff meetings are not perceived as useful by employees.

In confidential interviews, employees described staff meetings that are “top down” and don’t provide an opportunity for meaningful input. CAAs consider that meetings are all about problems DPGs face but never address their day-to-day issues and concerns. Some fear that expressing a negative point of view or making a complaint will result in retaliation. Some employees also reported that their supervisors do not conduct routine unit meetings.

Finding #8: The organizational structure is too top-heavy, and spans of control are excessively narrow.

The Public Guardian has four layers of managers (including supervisors) for two tracks of similar functions. Four individuals report to the Deputy Director: two Division Chiefs, one DMH Service Coordinator, and a part-time retired Finance and Administration Division Chief. The two Division Chiefs (LPS and Probate/Administration) each have a single direct report, an Assistant Division Chief, while the other two have no direct reports. Given the overall size of the organization – 100 employees – and the apparent similarity of the functions performed by the two divisions, 17 individuals in management or supervisory positions is excessive. (Note: while the senior management team was interviewed, LPS functions were specifically excluded from this study.) Furthermore, a 3:1 ratio of probate employees to managers illustrates narrow spans of control. Staffing ratios for the probate function are as follow:

- Each Division Chief has an Assistant Division Chief – a one-over-one reporting relationship in such a small organization is redundant.
- The Assistant Division Chiefs have adequately broad spans of control.
 - The LPS Assistant Division Chief has seven supervising DPGs.
 - The Probate Assistant Division Chief has five supervising DPGs.

Finding #9: Recent changes in the organizational structure appear to be based on addressing management and employee performance issues versus the most efficient means to perform required tasks and functions.

Changes to the organizational structure implemented in the last one to two years include:

- Creating two divisions: LPS and Probate/Administrative Services. Because of significant overlap across units, some units in both divisions provide services for both LPS and Probate. There is no apparent rationale for the current structure other than to provide the two Division Chiefs with a similar number of units.
- Recently the CAA function was consolidated under the Probate/Administrative Services Division. Previously, CAAs worked within investigation or case management units. The rationale for the consolidation was to resolve DPGs' personnel preferences among the CAAs (that is, some were considered to be more productive than others) and to alleviate work allocation problems caused by heavier workloads in some units and long-term absences of CAAs in others. While the consolidation has some benefits in terms of flexibility and ability to allocate work more equitably to cover short- and long-term absences, it also detracts from ownership and accountability as CAAs are given discrete tasks on a first-come-first-served basis instead of being linked to providing service for a given number of conservatees.
- Maintaining a Court Report unit with one ITC and an Executive Secretary in a supervisory role when most DPGs prepare their own Court Reports. The ITC in the current position was reported to lack basic clerical skills and apparently does not perform the basic duties of the job. Supervising this individual requires substantial effort.

- Rehiring a County retiree as the Finance Division Chief to work on a part-time basis because no other individual in the office has the requisite financial management knowledge or expertise.

Finding #10: Written policies and procedures are incomplete and have not been updated to match work as it is currently performed, although efforts are underway to improve them.

In response to blueCONSULTING's data request, the Public Guardian compiled a binder of existing and new draft policies and procedures. Updating and developing new policies and procedures has been an ongoing project for more than one year. The Policy and Procedure Committee has been meeting on a regular basis to review the draft policies to ensure that procedures are accurately described. In some cases, policies have been distributed outside the Office for feedback. There are several discrepancies between the written policies and procedures and our understanding, based on interviews with Public Guardian staff, of how work is currently performed. (Please note: The following are examples taken from throughout the binder and do not represent an exhaustive review of every policy and procedure.)

- Policies and procedures provided to blueCONSULTING are incomplete. Although issue or revision dates are listed in the table of contents, the policies themselves are undated and lack revision dates so there is no way to ascertain how current the policies and procedures are. Additionally, there is no approval signature or level identified.
- The current organizational structure is not reflected in the manual. For example:
 - LPS and probate duties are combined. Although the Public Guardian is divided into two divisions for LPS and probate, respectively, the manual does not recognize the current organizational structure or division of duties.
 - The manual does not reflect the recent restructuring of the CAA function into a centralized unit.
 - There is no referral desk, per se. Rather, referrals are handled by two or three individuals: an ITC in Administrative Services, the Investigation unit supervisor, and the Screening DPG (for non-CAN and non-APS referrals).
- A detailed list of investigation policies and procedures describes performance expectations that are not currently being met, including contacting the referral source within five days and interviewing the proposed conservatee within 14 days. Today, only CAN and APS referrals have mandated time frames, both of which differ from the general time frames described in the policy.
- The manual describes policies and procedures for both LPS and probate conservatorship, yet the functions are in separate divisions. On page 23 specifically: *"generally, an Investigating Deputy will be assigned both LPS referral evaluations and Probate referrals. Assignments will be made by the Supervising Deputy Public Guardian who will consider geographic location, unit assignments, case difficulty, and matching the specific skills of the Investigating Deputy with the problems presented by the referral."*

- Standards set in the manual are not met, including 1) investigation completion within 45 days from the date of assignment or four days prior to the court hearing date, 2) face to face contact or interview with the proposed conservatee within 10 days for Probate referrals, 3) estate size is not to be considered, 4) personal visits are to be made within ten days of case assignment, monthly for the first three months, and quarterly thereafter (or more frequently if required).
- The placement philosophy policy states: *"Top priority should be given to placement requests from County and State acute facilities,"* yet CAN and APS referrals are given priority over LAC-USC and other County hospitals.
- Duties associated with bill paying and budgeting are assigned to a case management DPG, with no mention of the CAAs who actually perform the bulk of this work.

Finding #11 Performance standards do not exist, or personnel are not adequately held accountable for them throughout the Office of the Public Guardian.

While guidelines exist in some areas, the Public Guardian does not have or implement clearly articulated standards for performance, including:

- Response time for returning phone calls.
- Response time for responding to referrals.
- Response time for investigating referrals.
- Caseload and case management requirements.

Recommendations

Recommendation #1. Request immediate additional staff for referral investigations and case management and base future requests on objective information. (Refers to Findings #1, #15, #20, and #23)

The Public Guardian should request immediate additional staff for referral investigations and case management, and base future requests on an in-depth job analysis to include developing staffing standards for both referral investigations and case management, and assessing comparative data.

blueCONSULTING recommends three additional DPG staff to assist the Public Guardian in performing its duties. Although not based on a bottom-up job analysis, as recommended above, we are using the data provided in the Benchmark Survey as a general guide.

Recommendation #2. Demonstrate leadership by prompt attention to operational and management issues, quick resolution of problems, and clear communication of organizational priorities. (Refers to Findings #2, #3, and #4)

Leadership and action are critical to improving the organizational culture and increasing confidence in management. The senior managers at the Office of the Public Guardian should become leaders and problem-solvers for their organization and their employees. They should

aggressively act to resolve such employee concerns as backlogs, poor customer service from County Counsel and the T-TC, and lack of office supplies. For those situations beyond their control – such as under-staffing due to under-funding, they should solicit suggestions from employees to explore alternative solutions. They should model a strong work ethic by always arriving at work on time, resolving personnel problems promptly, and making a point to “manage by walking around” – getting to know more employees through informal interactions. Finally, all managers or supervisors should be held accountable for their performance. Weak supervisors or managers just “waiting to retire” should not be tolerated.

Recommendation #3. Complete a strategic planning process, independent of the DMH planning process, and clearly communicate the vision and mission to all employees. (Refers to Findings #5, #6, and #12)

Despite being part of DMH, the Office of the Public Guardian provides specialized services and serves a unique function in the County. A strong internal strategic planning process and resulting plan will provide needed vision and leadership to the Public Guardian that may not be reflected in a DMH strategic plan. For example, key performance indicators and measurements will be different, as will the external factors and trends that may impact each organization’s operating environment. The initial work completed by the Public Guardian is a good start, but a comprehensive process needs to be initiated.

Employees, customers, and external stakeholders all need a clear understanding of why the Public Guardian exists. Developing a set of values or guiding principles will help focus Public Guardian efforts and clarify performance expectations.

Recommendation #4. Use staff meetings as a tool to facilitate effective top-down and bottom-up communication. (Refers to Finding #7)

While lecture-style meetings are an efficient way to communicate the same information to a large group of people at the same time, organizations should use a variety of meeting formats to facilitate communication among all employees and between management and employees. A model for meetings at the Office of the Public Guardian is presented on the next page.

Exhibit 22: Sample Meeting Hierarchy

Unit Level: Supervisors meet with the staff once a week for about one-half hour to raise issues, discuss difficult cases, remind each other of impending vacations, etc.

Division Level: Supervisors and employees from the Investigation, Administration, CAA and Closing Desk meet periodically (once a month at the most, once a quarter at the least) to discuss internal coordination of cases. The Division Chief and/or Assistant Division Chief should attend this meeting. Responsibility for setting the agenda and managing the meeting rotates among the supervisors.

Supervisory Level: Managers and supervisors meet on a bi-weekly or monthly basis to discuss and resolve human resources issues, operations issues (e.g., systems or supplies), internal communication, etc. Responsibility for setting the agenda and managing the meeting rotates among the supervisors.

Management Level: The senior management team meets weekly or bi-weekly to discuss and resolve human resources issues, operations issues, internal communication, etc. Responsibility for setting the agenda and managing the meeting rotates among the supervisors. (Note: The senior management team currently meets on a routine basis.)

All Staff: Senior management conducts a quarterly meeting to which all staff are invited. The purpose of this meeting is to recognize employee contributions and to share information on issues that concern the entire organization. (Note: The all staff meeting is currently in place.)

Source: blueCONSULTING

Recommendation #5. Conduct an in-depth assessment of the entire Public Guardian organizational structure. (Refers to Findings #8, #9, and #22)

Typically, blueCONSULTING would recommend one or more alternative organizational structures to solve organizational concerns and improve operations, as we have on previous studies for the County. However, in this case, blueCONSULTING only reviewed the probate conservatorship function in detail and did not review the LPS Division, which accounts for 75% to 80% of personnel and budget. Because of the interdependencies of the two divisions, it would be inappropriate to recommend specific organizational changes without understanding how they would impact the whole organization. An in-depth study should address:

- County approach to serving older adults, including current location within DMH.
- Near-term retirements of most managers and supervisors.
- Hierarchical structure and narrow spans of control.
- Anticipated personnel changes due to the (recently agreed upon) transfer of staff from T-TC to the Public Guardian.
- Appropriateness of separate LPS and probate functions.
- Fragmentation of processes across divisions and County departments.

In the interim, the Public Guardian should develop a plan to ensure that critical institutional knowledge is not lost and that a variety of personnel are trained to perform management and supervisory duties.

Recommendation #6. Update policies and procedures to reflect new organizational changes and formalize their presentation. (Refers to Finding #10)

Policies and procedures should reflect, to the extent possible, the actual organizational operations of the Office. For example, description of procedures performed by CAAs should reflect the centralized unit instead of continuing to refer to the CAAs within investigation or case management units. In particular, there should be separate policies and procedures for probate and LPS as long as they are performed in separate units, otherwise it is inefficient for DPGs or trainers to sort through a general policy governing both.

Policies and procedures should also always indicate their effective date as well as the specific version of the policy and whether or not it has replaced other versions. Outdated policies and procedures should be archived in a master file for review as necessary.

Recommendation #7. Develop standards for reasonable workloads for investigation and case management DPGs to ensure that the work can be completed on a timely basis and that conservatees' and other stakeholders' needs are met. (Refers to Finding #11)

The Public Guardian should establish and implement specific guidelines and operating standards and monitor outcomes for many conservatorship activities, including response to referrals, phone call response, and size of caseload. Managers and supervisors should routinely monitor compliance with standards and provide feedback to employees. Management should also periodically audit referrals and cases to identify chronic problems and develop solutions.

V. Case Management: Referral Investigations, Administration, and Closings

This chapter examines the primary business of the Office of the Public Guardian/Probate Conservatorship function: investigating referrals and administering conservatorships for elderly adults lacking the capacity to act in their own best interest.

A. Evaluative Criteria

Efficient and effective operations are characterized by:

- **Processes.** Efficient operations are characterized by the most direct “route” between customers and employees which should be documented by formal and accurate policies and procedures. Are processes at the Public Guardian impeded by unnecessary hand-offs or bottlenecks? Is the referral source required to submit information that is adequately informative and comprehensive to reduce the number of denied referrals and optimize the use of investigation DPGs’ time? Are referrals prioritized using objective criteria without regard to referral source? Are investigations conducted thoroughly and on a timely basis? Is the hand-off of case files from investigation to case management to closing seamless?
- **Customer Service.** A common understanding of internal and external customers ensures that employee efforts are directed toward appropriate outcomes. Do employees in all areas share a common understanding of the customer, client, or end-user of the services provided? Do employees have the same understanding of the criticality of processes among all involved employees and organizational units? Do they understand the roles and contributions of all involved employees and organizational units? Are referral sources notified promptly regarding disposition of the referral? Are cases managed in such a way as to promote and ensure the conservatees’ safety and well-being?
- **Staffing.** It is essential to have the right number of people with the appropriate expertise to execute required processes. Are staffing levels adequate to complete all job duties thoroughly and on a timely basis? Do staffing standards exist and are they based on quantitative and comparative information? Do internal and external support services and functions strengthen probate processes and outcomes? Does the separation of investigation, case management, closing, and support services serve the best interests of the customer?
- **Technology and Equipment.** Without appropriate tools, employees cannot efficiently and effectively perform their jobs. Do employees have the supplies, equipment, and technology required to perform their jobs in an efficient and effective manner?

Findings are presented in the following sections:

- Referrals
- Case Management
- Process Fragmentation
- Information Systems

B. Findings: Referrals

Finding #12: Lack of clarity regarding the mission results in conflicting views and actions about appointing conservatorships resulting in different levels of service and outcomes.

Public Guardian personnel interviewed for this review had conflicting interpretations of the criteria for establishing conservatorship. In the absence of commonly understood standards, employees rely on their personal philosophies and values to determine their response to referrals. Examples of different attitudes include:

- Conservatorships should be petitioned for all vulnerable older adults who meet the eligibility criteria, regardless of financial status.
- Conservatorships do not need to be petitioned for vulnerable older adults who meet the eligibility criteria if their basic needs are being met by placement in skilled nursing facility.
- Conservatorships should not be petitioned based primarily on referral source.

The ultimate customer or client of the Public Guardian is the conservatee – the vulnerable older adult who may not even be cognizant of the services being provided for his or her well-being. In addition, the Public Guardian has other customers, including referral sources such as CAN members, APS, LAC-USC, other area hospitals, skilled nursing facilities, board and care facilities, and other members of the community. These organizations and individuals all have a significant stake in how well the Public Guardian does its job.

- For acute care hospitals, effective response to referrals directly improves capacity (for new patients) and reduces their costs.
- For APS, effective response and subsequent conservatorship help them achieve their mission of protecting vulnerable and abused older adults.
- For other hospitals, skilled nursing facilities, and board and care facilities, effective resolution of referrals results in reduced costs and prompt bill-paying.
- For concerned members of the community, prompt response from the Public Guardian ensures that the senior about whom they are concerned gets the appropriate attention and perhaps life-saving care.

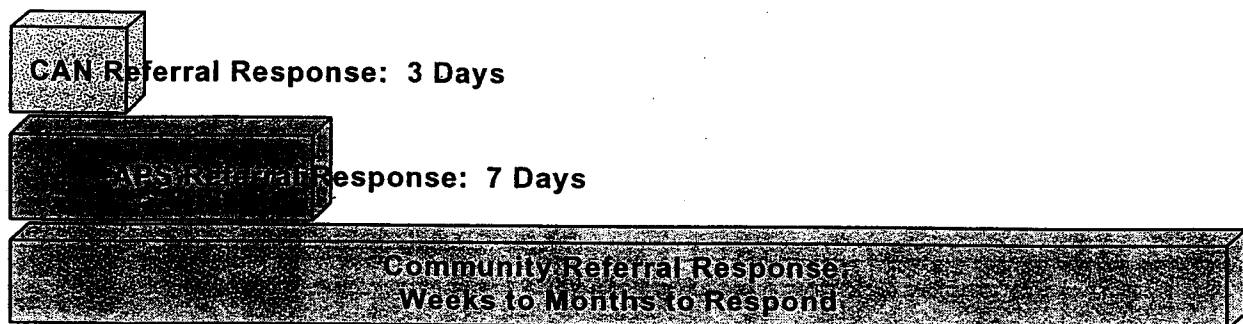
Ideally, meeting the conservatees' needs should be in alignment with meeting the needs of these stakeholders.

In efforts to improve customer service for some referral sources, the Public Guardian has arrangements with two referral sources to offset the cost of investigations and case management:

- CAN, the Conservator Access Network organized by the Hospital Association of Southern California, a group of 25 Southern California acute care hospitals, pays the Public Guardian \$977.00 for every referral investigated. Potential conservatees who happen to be in acute care hospitals who are members of CAN get the best service in terms of initial response time.
- The Public Guardian also has an MOU with DCSS to pay \$100,000 for one FTE DPG and related overhead to process up to eight APS referrals per month within an established time frame. Potential conservatees referred by APS get the next best level of service.
- In contrast, potential conservatees referred by LAC-USC and the community, including other non-CAN hospitals, skilled nursing facilities, landlords, neighbors, or others, get the lowest level of service despite an office policy that states "Top priority should be given to placement requests from County and State acute facilities." Community referrals may not hear from the Public Guardian for several months that their referral was rejected and will neither be investigated nor opened.

Using initial response time as a measurement, Exhibit 23 illustrates the differences described above. Investigators are mandated to respond to a CAN referral within three days and to an APS referral within seven days. The response is comprised of acknowledging the referral, conducting a visit with the potential conservatee, and informing the referral source whether or not the referral meets the criteria for petitioning for conservatorship. For more in-depth examination of the differences in referral sources, refer to the flow charts in Appendix E.

Exhibit 23: Differences in Response Time by Referral Source



Source: Interviews with Investigation unit DPGs

Finding #13: The number of appointed cases varies significantly by referral source and contributes to the backlog.

The four major referral sources reviewed in this report include CAN, APS, LAC-USC, and community. As illustrated in Exhibit 24:

- A high percentage of CAN referrals is recommended for conservatorship (48%, 53%, and 69% for 2002, 2003, and 2004, respectively).

- A significantly lower percentage of APS referrals are appointed: 16%, 26%, and 35% for 2002, 2003, and 2004, respectively. Additionally, a number of those interviewed are concerned that APS social workers do not fully understand the criteria for conservatorship. Rather, they see conservatorship as a way to solve the immediate problems faced by their clients. As a result, some investigators feel pressure that APS assumes that all referrals will be recommended for conservatorship.
- Community referrals make up the majority of all referrals: 68%, 70%, and 77% for 2002, 2003, and 2004 respectively, yet account for a small percentage of appointed conservatorships: 12%, 6%, and 10% for 2002, 2003, and 2004 respectively. Like LAC-USC, community referrals (primarily from skilled nursing facilities) also provide no incentive to the Public Guardian to process their referrals more rapidly.
- LAC-USC referrals have the lowest rate of appointed conservatorships: 5%, 11%, and 7% for 2002, 2003, and 2004, respectively. According to sources at LAC-USC, the Public Guardian used to have investigative staff dedicated to prompt processing of LAC-USC referrals. Today, however, response to referrals is so slow and the hospital's need for beds for acute care patients is so high, that patients are moved to skilled nursing facilities or other appropriate care facilities prior to a conservatorship investigation even being initiated. Hospital personnel, including social workers, work with individual patients to recommend, encourage, and facilitate their move into more cost effective facilities. Although the referrals have been made to the Public Guardian, LAC-USC staff have no reason to follow-up on the referrals once the patients have been transferred and do not know whether their referrals are eventually recommended for conservatorship or not. According to LAC-USC sources, there are no standard response times or service expectations for their referrals.

Exhibit 24: Referrals 2002-2004¹⁵

Referral Source	Total Referrals	Appointed	Non-Handle	Source as % of Total	% of Source Appointed
2002					
CAN	104	50	54	14%	48%
APS	74	12	62	10%	16%
LAC-USC	60	3	57	8%	5%
Community	503	59	444	68%	12%
Total 2002	741	124	617	100%	17%
2003					
CAN	119	63	56	15%	53%
APS	54	14	40	7%	26%
LAC-USC	61	7	54	8%	11%
Community	544	35	509	70%	6%
Total 2003	778	119	659	100%	15%
2004					
CAN	70	48	22	9%	69%
APS	55	19	36	7%	35%
LAC-USC	54	4	50	7%	7%

¹⁵ Data from active and purged LAPIS databases for 2002, 2003, and 2004.

Exhibit 24: Referrals 2002-2004¹⁵

Referral source	Referrals	Assigned	Not-Handled	Sampled % of Total	% of Sample Assigned
Community	587	58	529	77%	10%
Total 2004	766	129	637	100%	17%

Source: LAPIS

Finding #14: Assignment of referrals is uneven and contributes to differences in customer service and workload.

As the following exhibits illustrate, the arrangements with CAN and APS would preclude an equitable allocation, except that DPGs assigned to one type of investigation occasionally fill in for or help out other DPGs. Even so, the DPGs assigned to community referrals do more per month on average, resulting in a higher number of referrals for the two DPGs who investigate LAC-USC and community referrals. To ensure that CAN and APS referrals are handled promptly, the two assigned DPGs seldom work on referrals outside their areas.

Exhibit 25: 2004 Referrals

Referral	Total
Total referrals received	766
Screened out/backlog	398
Remaining referrals	368

Source: Public Guardian

Exhibit 26: Referrals by Source and by Assignment

Source	Referrals	Total	APS	CAN	Community	Community
APS/Genesis	82	22%	71	0	11	0
CAN	115	31%	12	95	8	0
LAC-USC	52	14%	0	0	33	0
Rancho Los Amigos	6	2%	0	6	0	0
Community	113	31%	6	3	86	37
Total	368	100%	89	104	138	37
Average/Month by DPG	8.98		7.4	8.7	11.5	7.4

Source: Office of the Public Guardian

(1) One of the DPGs assigned to community referrals was on extended leave for seven months.

Finding #15: Public Guardian DPGs investigate on average more referrals each month than their counterparts in other county probate conservatorship organizations.

The average number of referrals investigated varies by assignment, but range from 7.4 for CAN to 11.5 referrals for community, per month. The overall average for all investigating DPGs is 8.9 referrals per month per DPG. As shown in Exhibit 27, in contrast with the Benchmark Survey data, other DPGs investigate from approximately 1 to 6.5 referrals per month.

Exhibit 27: Comparative Rates of Referrals

Participant	2004 Referrals	Annual Average Referrals per DPG	Monthly Average Referrals per DPG
A	176	70.4	5.9
E	637	n/a	n/a
F	77	38.5	3.2
J	306	61.2	5.1
Los Angeles ⁽¹⁾	802	78.2	6.5
Los Angeles ⁽²⁾	368	116.6	8.9
M	55	9.2	0.8

Source: Benchmark Survey

(1) Provided in the survey information returned by the Public Guardian, the total number of referrals for 2004 differs from the 766 referrals reflected in other data provided by the Public Guardian.

(2) Based on the actual number of referrals after the backlog and screened-out referrals are eliminated.

Finding #16: Non-handle codes overlap and are redundant

Inconsistent application of non-handle codes makes it difficult to monitor referral investigations and to get to the root cause of why so many referrals do not result in petitions for appointment. Currently, there are 30 non-handle codes assigned by probate and LPS DPGs to cases they determine are not eligible for conservatorship. Many of the designations overlap or are redundant, as illustrated in Exhibit 28 on the following page.

Exhibit 28: Redundant Non-Handle Codes

Non-Handle Category	Code	Description
Death	01	Death. Client died before appointment of conservator.
	20	Client died before permanent appointment (MH Code 1407)
Unknown location	11	Client moved. Whereabouts unknown. Unable to locate.
	13	Whereabouts unknown. Unable to locate.
No petition filed	21	No petition filed. LPS conservatorship more appropriate (MH Code 1411)
	22	No petition filed. Not gravely disabled (MH Code 1405)
	23	No petition filed. Client consents to voluntary treatment.
	24	No petition filed. Other suitable alternative found (MC Code 1411)
	25	No petition filed. Whereabouts unknown. Unable to locate (MC Code 1411)
	26	No petition filed. Other reasons.
Able to care for self	04	Able to care for self, doesn't meet legal criteria.
	05	Able to care for self with family or friends help.
	06	Able to care for self with help from other agency.

Source: Document Request 40

Finding #12: Approximately 84% of referrals do not result in conservatorships indicating a need for additional referral information and education.

On average for the last three years, only 16% of referrals have resulted in appointed conservatorships, with the majority of non-handle decisions due to a lack of demonstrated need¹⁶. As demonstrated in the Benchmark Survey results, Los Angeles County gets the most referrals yet has one of the smallest percentages of appointed cases. This indicates an opportunity for increased communication with and training of referral sources so that investigators' workloads can be reduced over time. Greater access to referral packages that require appropriate information before review, perhaps on the web site, should also be considered.

At least two factors may contribute to the high rate of non-handled cases:

- Inconsistent internal and external understanding of the role of the Public Guardian.
- Differences in response based on referral source.

Based on 2004 data, the majority (43%) of non-handled referrals are due to lack of demonstrated need for conservatorship: the individual is able to care for his or her self, with the help of family or friends, or with assistance from another agency. Exhibit 29 below compares these data for CAN, APS, LAC-USC, and community referrals.

Exhibit 29: 2004 Referral Data/Reasons for Non-Handles

Non-Handle Reason	CAN	APS	LAC-USC	Community	Total	Percentage
No Demonstrated Need	4	7	19	247	277	43%
No Petition Filed	1	10	13	52	76	12%
Death	8	2	4	45	59	9%
LPS More Appropriate	0	2	1	48	51	8%
Other Reasons	1	1	5	44	51	8%
Reason Not Cited	0	6	0	37	43	7%
Whereabouts Unknown	1	1	7	23	32	5%
Other to Act as Conservator	5	2	0	9	16	3%
Duplicate Case	0	0	1	8	9	1%
Petition Denied	1	4	0	5	10	2%
Total	22	36	50	529	637	100%

Source: LAPIS

¹⁶ Ibid.

Finding #18: Although greatly reduced, there continues to be a backlog of referrals up to six months old (as of January 2005).

Currently, one DPG screens community referrals and four DPGs perform field investigations. The role of the screening DPG is to identify ineligible referrals (398 in 2004), and then to differentiate between urgent and non-urgent LAC-USC and community referrals. From a high of about 200 to 250, the backlog of non-urgent referrals has been reduced to 48 (as of January 2005). Also as of January 5, 2005, unassigned referrals date from July 2004 through January 2005.

The backlog consists of those referrals that are not likely to be recommended for appointment based on initial screening but have not been screened out. They are put aside while cases likely to be assigned are given higher priority. As a result, there continues to be a backlog of unacknowledged non-handled cases. Rather than working the backlog chronologically, the Investigation unit supervisor waits until an inquiry or complaint from the referral source moves it to the head of the backlog.

Finding #19: There is a formal process for updating referral sources on the status of their investigations, but additional communication on case status is warranted.

Although a formal policy exists for keeping people who refer potential conservatees to the Public Guardian informed on the status of their referral, DPGs do not routinely apprise referral sources of the status of their referrals. A DPG may call a source for additional information, or a referral source may call to inquire on the status or complain if a lot of time has passed since the referral was submitted. Although there is a formal process that ultimately informs referral sources on the disposition of their referrals, additional communication with referral sources is warranted.

Finding #20: Turnover among Investigation DPGs has been significant and contributed to the backlog.

Given the steady stream of incoming referrals, the requirements for rapid response to CAN and APS referrals specifically, and the need to train new personnel, turnover has had an impact on the ability of the Investigation unit to manage its backlog. Turnover rates for Investigation DPGs have ranged from a high of 60% in 2004 to no turnover in 2003, as indicated in Exhibit 30.

Exhibit 30: Turnover of Probate Investigation Unit

Year	FTE	FTE Left or Transferred Out	FTE Hired or Transferred In	Percentage Turnover
2000	6	2	2	33%
2001	6	1	1	17%
2002	6	2	0	33%
2003	5	0	1	0
2004	5	3	3	60%

Source: Document Request 59

Finding #21: The Los Angeles County Public Guardian is the only probate conservatorship operation that maintains a backlog of pending referrals.

This is significant because a number of the probate conservatorship functions surveyed that carry high caseloads manage without creating a backlog of referrals. Furthermore, the total number of referrals has not varied significantly over the last three years as indicated previously in Exhibit 24. No single factor in the Los Angeles operation can explain the backlog:

- Organization within the County does not appear to be a factor because about one-half of the agencies who participated in the Benchmark Survey are part of their county's Public Administrator department, while the other half are not.
- Organizational structure does not appear to be a factor. Eight agencies integrate investigation and case management activities while five have separate assignments like Los Angeles.
- Skill level does not appear to be a factor, because six of the agencies surveyed require only a high school diploma for the DPG position.

However, these factors may contribute to the backlog:

- Unequal allocation of probate referrals among the four investigative DPGs.
- Subsequent and unavoidable backlog for LAC-USC and community referrals in favor of prompt handling of CAN and APS referrals.
- Despite a reasonable average number of referrals to investigate per month, extended leaves can have a major impact on timely investigations, resulting in a backlog.

C. Findings: Process Fragmentation

Fragmentation refers to splitting up what could be a continuous process among different organizations or units. While not all fragmentation can be avoided or is necessarily a weakness, excessive fragmentation can have an impact on timeliness, service quality, and accountability. blueCONSULTING developed flow charts that illustrate the hand-offs, and subsequent opportunities for bottlenecks and inefficiencies, presented under separate cover in Appendix E.

Finding #22: Fragmentation of processes across departments and units leads to inefficient operations.

At the Public Guardian, processes and functions are fragmented from three different perspectives:

- **External Fragmentation.** Critical conservatorship functions are handled externally by County Counsel and the Public Administrator within the Department of the Treasurer-Tax Collector (T-TC).

- **Cross-Division.** Responsibility for the two major conservatorship functions, investigations and case management, are spread across six different internal organizational units:
 - Investigations
 - Administration
 - Administrative Support
 - CAA
 - Court Services & Transportation
 - Court Reports
- **Within-Unit.** Employees in some units in both Public Guardian divisions perform tasks for both LPS and probate.

Exhibit 31: Fragmentation Across Divisions

Units that Perform Tasks for Both Divisions	
Probate/Administrative Services Division	LPS Division
<ul style="list-style-type: none"> ▪ CAA ▪ Administrative Support (accounting and closing desk) ▪ Property Unit 	<ul style="list-style-type: none"> ▪ Court Services & Transportation ▪ Court Reports

While the Public Guardian has no direct control over the performance of the external agencies (other than to advocate on behalf of its customers and employees for high quality service), it can control how work is allocated and organized to benefit its customers, increase individual accountability, and even improve job satisfaction for its employees.

Examples of inefficiencies due to internal organizational fragmentation include:

- An ITC in the Court Services and Transportation unit in the LPS Division processes probate conservatorship referrals and non-handled terminations, yet does not report to the Investigation unit supervisor.
- A Senior DPG in the Administrative Support unit in the Probate Conservatorship/Administration division processes all case terminations for both LPS and probate conservatorships. The other functions in this unit provide accounting support to both divisions and management and are not directly involved in case administration.
- The Court Reports unit in the LPS division is nominally responsible for preparing the court reports (drafted by investigation DPGs) to submit to County Counsel. However, dissatisfaction with the quality and timeliness of work results in most DPGs preparing their own court reports. The Executive Secretary in this unit is nominally the probate conservatorship Division Chief's secretary (and is physically located outside his office) yet has virtually no job duties associated with his function. Furthermore, she is in charge of office supplies ordering and inventory control.
- The Supervising DPG in the Property unit of the Probate Conservatorship/Administration division also provides services for LPS cases.

- The Closing Desk in the Administrative Support unit is isolated from other case management DPGs. When a probate conservatee dies (or, less frequently, a successor conservator is appointed), the case is closed. At this point, the Case Administration DPG turns the file over to one DPG assigned to the Closing Desk who has had no prior connection to the conservatee. Because it is no longer “theirs,” some DPGs don’t complete their case-related tasks, but just turn them over to the Closing Desk deputy. The Closing Desk DPG processes the final bills and benefits and forwards them to the Public Administrator/T-TC for payment. The Closing Desk DPG reports receiving frequent phone calls from frustrated customers who are waiting to be paid, yet she is not permitted to give the customer the name of any contact at the Public Administrator. (Note: Probate conservatorship case files are reportedly in better condition – more complete when turned over to the Closing Desk – than LPS case files).

D. Findings: Case Management

Finding #23: Caseloads are too high for effective management and good customer service.

As of March 9, 2005, the probate case administration unit is managing 507 open cases.¹⁷ Individuals interviewed agree that the standard for probate caseloads should range from 45 to 60 cases per DPG, but current caseloads range from about 75 to nearly 100 active cases. In contrast with other County probate functions, the Public Guardian has the highest number of cases per DPG.

Exhibit 32: Comparative Caseloads

Participant	Active Cases	DPGs	Cases per DPG
A	170	2.5	68
F	100	2	50.0
J	240	5	48.0
Los Angeles ⁽¹⁾	503	4.75 ⁽¹⁾	105.9
M	158	6	26.3

Source: Benchmark Survey

(1) Data provided by the Public Guardian indicated 10.25 FTE, however, is clearly a mistake blueCONSULTING developed an effective FTE of 4.75 DPGs, as discussed in the next finding.

With such high caseloads, DPGs are unable to manage their cases effectively. As a result, paperwork and bill-paying – the “easier” tasks which must be done to ensure the conservatee receives the minimum level of care – take priority over such “quality-of-life” tasks as personal visits and observation of living conditions and changes in physical or mental condition. Furthermore, DPGs report being instructed periodically to focus on high-asset or TCM conservatees to maximize Public Guardian revenues.

¹⁷ LAPIS

Although there is a standard requiring four personal visits to each conservatee per year, in at least one case, a conservatee hasn't been visited in the last twelve months. In other cases, DPGs may see an assigned conservatee only once or twice a year. Those DPGs whose clients are geographically located close together – many in the same facilities – are more likely to comply with the required four annual visits.

The lack of regular visits indicates that, at the current volume, case administration DPGs are not able to perform their required tasks. This task in particular – physically verifying that a client is being appropriately cared for – is a fundamental part of conservatorship.

Finding #24: Turnover and extended absences among case administration DPGs have contributed to high caseloads.

A fairly substantial turnover, and apparent lack of ability to replace retiring or sick case managers rapidly, has exacerbated the excessive caseload problem. As shown in Exhibit 33, the number of FTE ranged from four to seven during 2004, with an effective FTE of 4.75 for 2004. There are currently six case management DPG positions.

- The Probate Assistant Division Chief and the Caseload Unit Supervisor retired in March 2004. Assignments were shuffled thereafter with a new Supervisor and Assistant Division Chief starting in May 2004.
- In 2004, of the seven original case managers, only three had the same jobs at the end of the year. Of the three, only one worked the entire year. One of the others was on family leave for four months while the second was on sick leave for three months (two of which were the same months the previous person was on family leave.)
- As mentioned previously, extended family and medical leaves for two DPGs placed an additional burden on the remaining case managers.

Exhibit 33: 2004 Case Administration Staffing
(Coverage is shown shaded)

Position	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Supv												
2												
3												
4					(3)							
5							(4)					
6												
7												
8												
Total FTE	7	7	7	6	5	5	4	4	5	6	6	6

Source: Public Guardian

- (1) Retired
- (2) Transferred from or to another Public Guardian unit
- (3) Family leave
- (4) Sick Leave

Finding #25: Periodic internal audits of case management have been discontinued.

Management has discontinued an internal audit program that was successful in identifying and resolving specific problems. Past audits appear to have been very thorough and comprehensive. Quarterly, about 45 cases were chosen at random and reviewed by the Supervising DPG not responsible (i.e. Probate SDPG would review LPS files and vice versa). However those audits were discontinued in March 2004 reportedly due to the lack of staffing, although the unit was fully staffed during March (except for one retirement as shown in the next finding). As illustrated in Exhibit 34, there were a high number and percentage of cases requiring further action.

Exhibit 34: Internal Audit Results

Quarter and/or	Number of Cases Reviewed	Number Requiring Further Action	Percent Requiring Further Action
March 2003	45	43	96%
June 2003	45	42	93%
September 2003	45	38	84%
Three Quarter Results	135	123	91%

Source: Public Guardian

A review of the results of the above case management audits indicated numerous problems with the files. Some of the findings were minor and more administrative in nature, while others offer opportunity for substantial improvement in the way the job is performed. Audit findings included the following issues:

- Funding: Audit comments included status of VA or SSI benefits, charges made for pharmacy, etc.
- Customer Care: Audit comments included documentation of patient visits (one file indicated that no visit had occurred in over a year while another indicated that six visits over a three year period had not occurred), medical consent powers, names of relatives, etc.
- Accuracy: Audit comments included name changes, location of wills, correction of entries in LAPIS, etc.

Finding #26: DPG and CAA roles and responsibilities are unclear.

Many case administration DPGs process check requests instead of forwarding them to the CAA unit. In some cases, the DPG sees this as part of his or her job; in other cases, the DPG performs this task because the CAA unit is reportedly too slow and unpaid bills accumulate. CAAs are equally unclear about who has responsibility for check requests for bill-paying – some are annoyed when bills are forwarded to them because they don't see it as part of their job.

In addition to confusion, lack of standards, and process inefficiency, internal equity issues arise when the same tasks are consistently performed by employees in two different classifications, one of which requires a bachelor's degree and has a higher salary range.

Finding #27: The Office of the Public Guardian does not have a Representative Payee program, which could offer alternatives to conservatorship.

The Los Angeles Public Guardian does not have a Representative Payee program, in which the Public Guardian has responsibility for paying the bills of eligible older adults. In these cases, the at-risk individuals need help in this aspect of day-to-day living, but do not otherwise require a formal conservatorship. Currently, many skilled nursing facilities act as representative payees: they are authorized to collect the individual's social security and other benefits to offset the cost of maintaining the individual in their facility. As the Benchmark Survey demonstrates, several counties act as representative payee for selected customers, in addition to their role as conservator for others.

E. Findings: Information Systems

LAPIS is a 20-year old computerized record management database program, written originally in the programming language "Prime," and migrated to the language "Universe Now." Originally designed for a mini-computer environment and dumb terminals, the system has also been migrated to a PC network environment. When the Public Administrator and Public Guardian were in the same department, the system was designed to allow access to conservatorship records (a database record is the equivalent of a case file) as required to complete their complementary duties. The Public Administrator/T-TC and the Public Guardian continue to have access to the program, as well as DMH and County Counsel. Records are assigned unique case numbers, but can also be accessed by a conservator's name or Social Security number.

Finding #28: The Public Guardian information system is outdated and dependent on an external vendor for programming expertise.

The Office of the Public Guardian and the Public Administrator/T-TC jointly contract with an external vendor who developed and has maintained the system since 1984, generates reports, and responds to requests for custom reports. The Public Guardian continues to be dependent on an external vendor for upgrades to and report generation from an obsolete (but still functional) database system.

- No Public Guardian or County employees have expertise in the system.
- According to the vendor, "Universe Now" is no longer a current language among IT professionals.

T-TC was allocated over a million dollars several years ago to replace the old system. The Public Guardian participated in the development and issuance of an RFP in 2002. Recently, T-TC has decided to proceed with a web-based replacement system to be developed with an external vendor. They are currently in negotiations with the vendor on final contract language. When finalized, the contract will have to get the approval of County Counsel and the County Chief Information Officer.

Finding #29: CAAs must access multiple screens to get information they need while the lack of automation of benefits applications and other forms requires them to complete forms manually.

CAAs described the inefficiency of going from screen to screen in LAPIS to access all the data they need to complete various forms. Because LAPIS lacks flexibility, they must print each screen (and then they must walk to a central printer to collect the printed screens) or manually copy the information they require.

Very few of the forms routinely used by the Public Guardian are in electronic format. They are neither available as Word or Excel files nor as on-line forms. While some of this is beyond the Public Guardian's control, for example Social Security or Veterans Administration benefits forms, LAPIS does not provide any opportunities for automation.

Finding #30: Outlying Superior Court districts do not place their documents online.

The Public Guardian has access to their cases on the Superior Court website, except for those from outlying districts. Therefore, they are unable to obtain copies of filings by downloading them and must order them online.

F. Recommendations

Recommendation #8. Establish standards for referral staffing. (Refers to Finding #12, #14, and #15)

Based on comparative benchmark information and the Public Guardian's consistent backlog, the Public Guardian should establish a reasonable standard of six to seven referral investigations per month, regardless of the source. To address the current rate of referrals, this would require additional effective staffing of one FTE DPG position.

Recommendation #9. Require compliance with policies to provide adequate communication with referral sources and ensure that this area is reviewed in future internal audits. (Refers to Findings #19 and #25)

To address complaints from DMH and other referral sources regarding the lack of follow-up to referrals, the Public Guardian should ensure that its DPGs comply with existing policies to communicate referral status effectively and on a timely basis. This should be reviewed and validated during the internal audit process.

Recommendation #10. Eliminate the backlog and review referral source differences. (Refers to Findings #12, #13, #14, #18, #20, and #21)

Supervisors and others should work through the backlog with the goal of eliminating it completely.

Recommendation #11. Reduce the number of non-handle codes to eliminate duplication and ambiguity. (Refers to Finding #16)

Investigating DPGs and supervisors should review the non-handle codes, review assigned non-handle codes, and develop a less ambiguous coding scheme that accurately reflects the reasons for non-handles.

Recommendation #12. Evaluate non-handles and clarify Public Guardian-referral source communication to reduce the number of ineligible referrals and improve the rate of appointed cases. (Refers to Findings #16, #17, and #19)

Determine the root causes of the high percentage of non-handled cases, which could be a combination of preferential treatment of CAN and APS referrals, inadequate or incomplete referral packets, filing of ineligible referrals (due to lack of understanding of Public Guardian criteria or role), and other factors to be determined. The internal audit process should include review of referral packets and follow-up with referral sources to ensure that adequate information is requested from referral sources and that eligibility criteria are thoroughly explained. The referral packet should also be available to download from the Public Guardian website.

Recommendation #13. Request additional case management staffing to bring the case load standard more in line with the data reported by Benchmark Survey participants. (Refers to Finding #1, #23, and #24)

The Public Guardian should establish a standard for case loads of 60 cases per FTE DPG, versus the current average rate of approximately 84 (505 actives cases for six DPGs). This would require increasing the number of DPGs assigned to the case management unit from six DPGs (effectively only 4.75 in 2004) to eight FTE DPGs at existing case load of 503, a net increase of two DPG positions.

Recommendation #14. The role of Case Management and Closing Desk DPGs should be clarified. (Refers to Findings #22)

Case management DPGs should either be held accountable for case terminations or guidelines should be established that clarify where the case management duties end and the closing desk duties begin.

Recommendation #15. The Public Guardian should clarify the duties of DPGs and CAAs and hold incumbents accountable for completing their specific job duties. (Refers to Finding #26)

Neither DPGs nor CAAs should take on each others' duties out of confusion or because they are dissatisfied with the performance as executed. Policies and procedures should clearly identify who is accountable for what specific tasks and activities. Supervisors should quickly intervene in those cases when employees in one classification begin to take on the responsibilities of another classification. It should not be relegated to individual employee discretion which tasks they should be performing.

Recommendation #16. The Public Guardian should reinstitute and strengthen the internal audit function. (Refers to Finding #25)

It is understandable that, with increased work load, the audit function was temporarily stopped. However, given the number of issues that arose from the audits, they are simply too important to eliminate. Quality is absolutely as essential as quantity in these situations. In fact, additional audits and resulting communications of findings should take place. Audit results provide an excellent opportunity for training on recurring issues with investigators and case managers. Furthermore, communication between investigators, case managers, and referral sources could also be monitored.

Recommendation #17. The Public Guardian should examine the costs and benefits of initiating a Representative Payee program and determine if such a service would benefit the County. (Refers to Finding #27)

The Public Guardian should examine the feasibility of initiating a Representative Payee program. in terms of:

- The potential benefit to at-risk adults who may not be otherwise eligible for conservatorship.
- The impact on current staffing levels.
- The ability to pay bills quickly, given the current fragmentation of accounting functions with the T-TC.

Recommendation #18. The Public Guardian, working with the Public Administrator/ Treasurer-Tax Collector, DMH, and County Counsel, should develop a new case management database. (Refers to Findings #28, #29, and #30)

All departments that have a stake in the management of conservatorship cases should jointly develop a request for proposal to develop a new case management database system that would reflect state-of-the-art technology, work in a PC/Windows or internet environment, allow users to generate custom reports, and permit as much automation of routine forms (including on-line completion) as possible.

The T-TC issued a RFP in the last few years and the current vendor has responded and is working on a response. However, this should be a competitive process; the vendor who has provided technology services and support for an obsolete system for the last 20 years may or may not be the most innovative service provider available.

The Public Guardian should assert a leadership role in working with County Counsel, T-TC, and the Superior Court on any new technology initiatives because it is the closest to the customer – potential and actual conservatees.

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VI. External Relationships and Communication

The Public Guardian depends on the services provided by two external departments: the Treasurer-Tax Collector and County Counsel. Furthermore, the Public Guardian interacts with the Superior Court, its referral sources, other service providers, and the general public.

A. Evaluative Criteria

The evaluative criteria blueCONSULTING used to evaluate the effectiveness of external relationships and communications include:

- **Cooperation and Support.** Many County departments are dependent on or provide services to other County departments. It is essential that the relationships that exist are professional and cost-effective to benefit the ultimate customer of the department, usually the taxpayers or groups of taxpayers. Are existing relationships between the Public Guardian and other County departments professional, cost-effective and based on a high level of respect and communication? Are complaints about personnel or services provided taken seriously, investigated and are the results communicated in an effective manner? Is there a mutual level of cooperation and support with other departments?
- **Customer Service and Information Availability.** Stakeholders, including external agencies, potential and current conservatees, and members of the community, should be treated like valued customers and provided access to information in a responsive and accurate manner. Is information about probate conservatorship readily available, clear, easy to understand, and distributed effectively to those most in need of the information? Is information presented on internet websites clear and informative, and easy to access with linkages to other useful information?
- **Education of Primary Function.** Identified stakeholders and members of the public in general should have a clear understanding of the mission and functions of the Office of the Public Guardian. Educating people who may refer a person as a potential conservatee about the requirements for and limitations of probate conservatorship can assist in reducing the investigation workload and improve the timeliness of response. Does the Office provide information about the limitations and alternatives to conservatorship to the public, other County departments and other potential referral organizations? Does the referring agency have to provide a referral form in which questions are asked to educate the referring party about whether a conservatorship is appropriate and, on the other hand, provides enough information to assist the investigators in beginning their jobs?

B. Findings: Public Guardian/Treasurer-Tax Collector

The Public Guardian contracts with the Treasurer-Tax Collector (T-TC) via an Operating Agreement (MOU) dated 1988 to provide data processing and case accounting services for its conservatees and their creditors and service providers. These services include accounting for all benefits received for the conservatees and expenses paid on their behalf. The T-TC also maintains the LAPIS computer system (described in the previous chapter), used by both the

Public Guardian and the Public Administrator/T-TC for management of conservatorship cases. The current MOU between the Public Guardian and the T-TC has a significant impact on funding.

Finding #31: The level of service provided by the Treasurer-Tax Collector, based on the 1998 agreement, is sub-optimal, resulting in the Public Guardian incurring higher costs than necessary.

When the Department of the Public Guardian/Public Administrator was split in 1988 and each function became part of DMH and T-TC, respectively, an operating agreement was established regarding the costs they would continue to incur performing services for LPS and probate conservatorships¹⁸. According to Section VI-E of the agreement: "The County is the source of funding for the probate conservatorship program. (Note: The County stopped funding Probate functions in the early 1990s.) Each department agrees to include in its budget a request for the funding of its program related costs." Specifically, the Public Administrator/T-TC agreed to "provide service to the Public Guardian on conservatorship estates in the areas of personal property management, real property management, estate accounting and support services such as funeral arrangements, mailroom, supplies, facility management, word processing and centralized dictation." Each of the services was generally described in the agreement and included the implicit services necessary to perform these tasks.

The Agreement also indicates that "T-TC/PA will provide DMH-PG with a monthly invoice of its total costs incurred for services described herein. Invoice will include a statement identifying all costs. Costs will be captured based on the mutually agreed upon cost allocations methods."¹⁹

Reportedly, the T-TC initially complied with the agreement by billing DMH for the costs of the LPS program only, net of revenue received from AB 1018. But then T-TC began to make changes:

- First, the revenue received by T-TC from AB 1018 was ignored and not offset against costs.
- Then, the T-TC bills started to include the cost of both the probate conservatorship and LPS programs, with statements showing the details for each.
- Finally, the T-TC eliminated the distinction between the services for the two programs and supplied DMH with statements for the combined costs without details of what was attributed to either LPS or probate.

Without differentiating costs between the two programs, the Public Guardian is unable to pay for specific program charges and is risking non-compliance with state and federal laws for the LPS program mandating specific identification of costs for possible reimbursement.

¹⁸ Source: Document Request 33

¹⁹ Ibid.

Indeed, a request from blueCONSULTING to the T-TC for Public Guardian Costs for Fiscal 2003-2004 resulted in a list of costs that did not differentiate between LPS and probate. According to the individual contacted at T-TC, a specific separation of probate and LPS costs would be "very difficult" and that they usually developed a split based on the proportionate number of cases for each program.

The results of the accounting changes have had a significant financial impact on the Public Guardian. As illustrated in Exhibit 35 below, the T-TC provides services to the Public Guardian that totaled about \$1.7 million in FY 2003-2004. The total overhead charged on those services amounted to \$1.2 million or approximately 43% of the total costs billed. (Overhead charges are approved by the Auditor-Controller and, for FY 03-04 were 15.295% for County, 38.111% for Department and 32.361% for Divisional.)

Exhibit 35: Services Provided by the Treasurer-Tax Collector

Services Provided by T-TC	FY 2003-2004 Actual Costs	Description
Accounting/Clerical Support/ Property Management	\$1,597,372	Actual labor hours (County Productive Hourly rate applied) and any pass-through actual services and supplies costs billed by vendors and other County departments.
Mail Services	\$13,002	\$0.05 labor flat rate, \$0.02 for each envelope, and current postage rate set by the U.S. Postal Service.
Money Management	\$41,696	Actual labor hours (County Productive Hourly rate applied).
Storage	\$5,329	Actual costs billed by vendor (50% of invoice costs billed to Public Guardian).
Bank Charges	\$5,342	Actual monthly bank charges.
Manual Lockbox	\$652	Number of checks processed for a flat rate of \$0.89 per check.
Annual P.O. Box Rental	\$1,648	Actual P.O. Box rental fee set by USPS.
Sub-Total Costs	\$1,665,042	(Note: 57% of Total Cost)
Overhead	\$1,242,498	(Note: 43% of Total Cost)
Total Costs to Public Guardian	\$2,907,540	
Less AB 1018 Revenue (1)	\$303,327	
Amount Paid by DMH	\$1,240,642	
Variance	\$1,363,571	

Source: Information supplied by Treasurer-Tax Collector dated March 24, 2005.

Notes:

(1) AB 1018 revenue refers to revenue from excess interest earned by conservatees' cash deposits with T-TC. The excess is that amount over and above what the individual account would earn in a bank. The excess is retained by the County, authorized by Probate Code Sections 2940 and 7642.

The T-TC pays for the storage costs for property of conserved estates and later bills the estates for these charges. However, the T-TC continues to bill the Public Guardian for the full storage cost. As shown in Exhibit 36, the total storage charges collected by T-TC in the last three fiscal years²⁰, but not offset against the cost of providing the service, are almost \$500,000.

Exhibit 36: Total Storage Costs Collected by T-TC

Fiscal Year	Probate	T-TC	Total
2001-2002	\$72,214	\$80,187	\$152,401
2002-2003	72,126	80,373	152,499
2003-3004	83,433	94,423	177,856
Three Year Total	\$227,773	\$254,983	\$482,756

Source: Document Request 4

Many of the support tasks currently performed by personnel from T-TC could be performed by Public Guardian personnel of the same classification and at the same direct cost to what is incurred by T-TC.

Additionally, several functions currently contracted out by T-TC could potentially be provided more cost-effectively (considering the overhead percentages) by the Public Guardian. Examples include areas in personal property management, real property management, and estate accounting. For example, drayage and sales/auctioning are currently contracted out and managed by T-TC. These functions could be contracted out by Public Guardian personnel at a reduced total cost since T-TC overhead costs would not be incurred.

While it may or may not make sense to have Public Guardian or outside contractors perform these functions (that determination is outside the scope of this project), they should be reviewed as a method of reducing the total costs of Probate functions. Personnel at the Public Guardian estimate that a total of \$900,000 to \$1.3 million could be saved for both programs, depending on how many of the functions will be actually transferred to the Public Guardian, although the proportion applicable to probate is not currently known.

C. Findings: Public Guardian/County Counsel

The Public Guardian is County Counsel's client, and as such, County Counsel represents the Public Guardian in all legal proceedings related to conservatorships, in particular filing petitions for conservatorship with the Superior Court Probate Department. The quality of service that County Counsel provides to the Public Guardian has a direct bearing on the timing and quality of service the Public Guardian is able to provide its conservatees.

²⁰ Estimates are based on cost reports submitted by T-TC outlining their Salaries and Employee Benefits and overhead.

Finding #32: Public Guardian and County Counsel need to improve communication on legal requirements for appointments of conservators and ongoing case management.

Although County Counsel and Public Guardian personnel generally collaborate effectively, communication between the two should be improved to avoid problems and to keep staff at both agencies apprised of issues affecting their clients. Additional joint training sessions and case discussion meetings will improve the current working relationship.

DPGs have complained frequently that at least one of the attorneys is significantly less responsive than the others. This has been brought to management's attention, who in turn have brought it to the attention of County Counsel. A review of a specific case has taken place and additional discussions have taken place but, to date, no action has been taken by County Counsel to improve responsiveness, as perceived by the personnel within the Office of the Public Guardian.

D. Findings: Public Guardian/Department of Mental Health

Since the split of the Public Administrator and Public Guardian operations in 1988, the Office of the Public Guardian is a unit in DMH. Many of the referrals received by the Public Guardian are initiated by DMH personnel.

Finding #33: There is a problematic if not contentious relationship between several personnel in DMH and the Office of Public Guardian, although recent efforts are underway to address the issue.

Interviews with personnel within DMH indicate that they receive complaints about the responsiveness of the Public Guardian, from the public, various agencies providing services to the elderly, and from their own personnel. There are three primary complaints from many in DMH, including many of the people responsible for the GENESIS (Geriatric Evaluation Networks Encompassing Service, Information and Support) program:

- **Evaluation:** Concern is that the Public Guardian does not evaluate appropriately. DMH personnel do not understand why someone who has a Medical Declaration, which is required for conservatorship, does not automatically receive conservatorship.
- **Referral Status:** Concern is that the Public Guardian does not keep DMH, or others, adequately informed about the status of their referrals.
- **Treatment:** Concern is that the Public Guardian puts conservatees into board and care homes, or skilled nursing facilities, rather than trying to keep them independent for as long as possible in their own environment.

Concerns were so significant at one point certain individuals within DMH requested to be allowed to refer clients to private conservators instead of the Public Guardian.

It is important to understand that while policies and procedures exist to address many of these issues, it is possible that individual personnel within the Public Guardian do not always comply due to lack of time or staffing or because they did not follow policy (thus the importance of internal reviews and audits, discussed in the previous chapter). Or, there may be a difference of opinion as to what standards are applicable for conservatorship. Several examples address the above complaints. For example:

- **Evaluation:** The policy of the Public Guardian is for investigators to adhere to the standardized listing of issues and areas to be addressed in the Public Guardian Investigation Procedures. In addition, they have had training in issues related to identifying dementia, abuse, or undue influence. When issues are not sufficiently clear cut, they request other professionals to perform "mini mentals" or other capacity evaluations. The difference in approach and philosophy is discussed in the training module for Public Guardian Investigators. As stated in the DMH, Office of Public Guardian Training Module Text, Introduction to Probate Conservatorship Investigation, "Mental health professionals often use a standardized mental status questionnaire which usually includes such questions as: Who is president? Who was president before him; count backwards from 100 by 7s and what is the meaning of the saying 'a bird in the hand is worth two in the bush.' For Public Guardian purposes, questions dealing with the client's background and activities are better: Where were you born? What kind of work did you do? Who cleans the house? Who shops? What did you eat today? Where do you get your money?"
- **Referral Status:** There is a process for how referrals are supposed to work. A formal written Notice of Receipt is to be sent to each referring party as part of the case opening process. The receipt is dated and includes the name and telephone number of the investigator who has been assigned. The assigned investigator is supposed to follow up with a telephone call to the referring party as introduction and to discuss the issues stated on the referral in more detail. The date of the letter is noted on LAPIS as the Reported Date and the phone contact is noted on the LAPIS case narrative screen. Several complained that the referral status is not routinely provided. Again, this should be reviewed as part of the internal audit process
- **Treatment:** The Public Guardian has a policy on placement alternatives for conservatees. Ninety-six of the conservatees who had conservatorships established in 2004 were placed in skilled nursing facilities, 23 were placed in board and care homes and nine either stayed in or returned to independent living after appointment. Fifteen were in acute hospitals at year end. The number of probate conservatees in independent living arrangements runs between 6% and 7% of total appointed cases. LAPIS documents the location of current conservatees. The living arrangements for 505 Probate conservatees at the end of 2004 is presented in Exhibit 37.

Exhibit 37: 2004 Living Arrangements for Conservatees

Living Arrangements	Number of Probate Clients	Percent of Probate Clients
Independent	31	6.1%
Board and Care	89	17.6
IMD	3	0.6

Exhibit 37: 2004 Living Arrangements for Conservatees

Living Arrangement	Number of Probate Clients	Percent of Probate Clients
Skilled Nursing Facility	307	60.8
Jail	1	0.2
Private Hospital	16	3.2
County Hospital	0	0
State Hospital	0	0
VA Hospital	0	0
AWOL	4	0.8
Pending/Other	54	10.7
Total	505	100%

Source: Document Request 17

To address the numerous complaints about the Public Guardian, DMH established an Older Adult Task Force to review the operations of the Public Guardian, the results of which were discussed previously. They also started tracking referrals on their own and having quarterly meetings with top Public Guardian managers to discuss why referrals ended up in a "non-handle" status and to check the responsiveness of the Public Guardian on referred cases. These meetings provided opportunities for the two organizations to share information and to understand the underlying reasons why actions were or were not taken. Such meetings should be continued in a cooperative and "for training purposes" manner.

E. Findings: Public Guardian/Superior Court

Because County Counsel represents the Public Guardian, there is little direct contact between the Public Guardian and the Superior Court. For example, problems or questions regarding pleadings are addressed to County Counsel. The primary opportunity for interaction is when an investigating or case management DPG attends a court hearing. However, there is direct interaction in the following cases:

- The Court may order the Public Guardian to apply for appointment, which is mandatory (as per Probate Code Section 2920(b)). This type of appointment is often difficult because of the nature of the individual being conserved, or because financial assets may have been exhausted by a prior conservator. In cases where the funds have been depleted, the bank or a private conservator may wish to be relieved as the estate conservator.)
- The Private Volunteer Panel (PVP) may solicit the appointment of private conservators in cases where another party is petitioning. There have been examples where the Public Guardian has made a motion for appointment, but the PVP attorney may ask the court to appoint a private conservator because of the size of the estate and will send referrals to three private professional conservators.

The results of our interviews with Superior Court representatives regarding their relationship with the Public Guardian were positive and indicated no chronic problems or concerns.

F. Findings: Public Communications

Finding #34: The Public Guardian is dependent on personnel outside its control to answer the phone and take messages, but has compensated in other ways.

The Public Guardian does not have an adequate phone system, as evidenced by the limited number of phone lines and the complaints received from external parties, but has tried to compensate by allowing the use of personal cell phones and on-call supervisory support. Several persons interviewed indicated frustration with getting the phones answered and, if answered, getting calls returned. This applied to both the primary phone lines and individual case manager cell phones.

- Incoming phone calls are answered by receptionists who are employees of the Public Administration/T-TC (although funded by the Public Guardian through the MOU). As a result, the receptionist is not held directly accountable for providing service to Public Guardian employees or their customers.
- Only three lines come into the Public Administrator/T-TC reception area. When DPGs are out of the office, the receptionist takes a message or refers the call to the DPG with that day's duty assignment.
- Despite some DPGs having cell phones (for which they pay themselves and are not reimbursed by the County), DPGs complain that they do not have time to return all the calls they receive.

Supervisors are assigned responsibility for being on-duty to answer calls on a rotating basis. Based on the calendars prepared by the Assistant Deputy Directors, each supervisor is on-duty about two days per month and completes a log of calls received, and how each call was resolved. The log is sent to the executive office for filing. Although it is appropriate for supervisors to have day-to-day contact with clients or other stakeholders, it may not be cost-effective since much of the information provided could be handled by clerical personnel. For example, a review of the logs for two weeks ending February 9, 2005, revealed that the vast majority of calls were for:

- General information regarding conservatorship.
- Request for referral forms or brochures.
- Status of current or closed cases.
- Specific calls for another individual (and referred to them).

Finding #35: The Public Guardian publishes a brochure outlining its services but does not have a dedicated, informative, and user-friendly website.

The brochure published by the Public Guardian is an 8½" x 11" tri-folded, color brochure that provides basic information about both LPS and probate conservatorships, including:

- Description of the Office of the Public Guardian
- The role of County Counsel

- The legal basis, purpose, process, duration, and other aspects of LPS and probate conservatorship
- Alternatives to conservatorship
- Elder abuse
- Guardian Circle
- Phone numbers
- Other resources

Close to 18,000 brochures have been distributed since the first printing in 2001 to:

- “Smarter Seniors” forums (held twice a year in a different supervisory district since 2001). Approximately 75 individuals attend these forums on average.
- All individuals who call the Office of the Public Guardian.
- Other agencies at meetings and presentations.
- Family support groups.

The Department of Mental Health website (<http://dmhconnection.lacounty.info/>) does not have a link to the Office of the Public Guardian, nor is it especially easy to navigate to the list of DMH divisions and organizational units. On the list of DMH managers, the Deputy Director of the Office of the Public Guardian’s name is misspelled.

Searching for “Los Angeles ‘Office of the Public Guardian’” on the *Google*, *Yahoo*, *Netscape*, *Lycos*, and *Ask Jeeves* search engines resulted in links to the www.LA4Seniors.com website, the Superior Court, Department of Mental Health (list of directors), the California Department of Social Services, Department of Consumer Affairs, and the offices of County Supervisors Burke and Knabe, as well as other unrelated sites.

The “LA4Seniors” website is a very useful resource, with links to many senior service providers for a wide range of issues affecting seniors. In particular, it presents a very clear definition of LPS and probate conservatorships. The site is sponsored by the *L.A. Metro Multi-Disciplinary Team (MDT) for Consultation on Elders at Risk*. From 1998 to 2000, the multidisciplinary team served the Greater Hollywood area. In November 2000, the MDT expanded to include downtown Los Angeles with the support of the Los Angeles Police Department and APS. In May 2004, the team merged with the City Attorney Elders at Risk Task Force to create the Los Angeles City Attorney Elders at Risk Task Force.

In contrast, a search of other websites revealed that other California counties have useful, informative, and easy-to-use websites detailing their public guardian services. Searching for “Public Guardian in California counties” on the Google search engine resulted in direct links to public guardian sites for several California counties, including:

- Butte, www.buttecounty.net/dess/Senior_Adult.html
- California State Association of Counties, www.scac.counties.org
- Madera, www.madera-county.com/veterans/publicguardian/

- Merced, <http://web.co.merced.ca.us/aaa/publicconservator.html>
- San Mateo, www.smhealth.org/smc/departments/health/home
- Santa Clara, www.scvmed.org
- Solano, www.co.solano.ca.us/FAQ
- Yuba, www.co.yuba.ca.us/copntent/departments/publicguardian/

Examples from these sites are presented in Appendix D.

G. Recommendations

Recommendation #19. Negotiate a new operating agreement (MOU) with the Treasurer-Tax Collector to reduce overall costs to the Public Guardian, hopefully with a substantial amount of the savings available to help fund the probate function. (Refers to Finding #31)

This recommendation is in the process of being implemented. As mentioned previously, blueCONSULTING requested a copy of all MOUs with other County departments at the beginning of the project. Only the original 1988 Operating Agreement was provided. Additionally, during conversations with personnel in both DMH and T-TC, no one emphasized the existence of an updated addendum to the existing MOU. In fact, Public Guardian and T-TC representatives held a series of meetings during 2004 and reached agreement on an 18-page addendum to the MOU, signed October 27, 2004. This information was first made available to blueCONSULTING, in response to a specific question to the Public Guardian, on March 28, 2005, three days before the due date of the Draft Report.

The addendum outlined the responsibilities of each department. These meetings resulted in a review and identification of all T-TC expenses and revenue related to the MOU. The overhead claimed by T-TC was so high that DMH concluded that significant savings could be achieved by taking over some of the functions currently being performed by T-TC. The Public Guardian is currently making arrangement to start the transfer process effective July 1, 2005. The first function scheduled to be transferred is court accounting. The Public Guardian has requested that T-TC give notice to the union about the proposed transfer of those items and is awaiting feedback. Ultimately the Public Guardian proposed to take over all functions except those related to the vault, the warehouse, and property management. The transfer would be conducted on a phased-in basis that would carry over into 2006. (These personnel are not included in any personnel numbers in this report but should be included in the Organization Study recommended in Chapter IV and in Recommendation #5.)

Additional areas to review are the return of storage costs, the separation of billing in compliance with state and federal requirements, and the management of outside contracts. The T-TC should bill the Public Guardian only for its net cost for estate storage fees (plus the agreed-upon overhead rate), and the Public Guardian should insist on a detailed statement indicating the vendors' charges, the amount paid by the conserved estate, and any outstanding charge for which the Public Guardian would be responsible. The Public Guardian should identify the level of detail required by T-TC to ensure compliance with state and federal laws. Finally, the Public Guardian should also review the use of outside contractors by T-TC and ascertain whether

transfer to or management by the Public Guardian would impact operations and costs favorably.

Because the current overhead charge by the T-TC is so high – 43% of costs incurred – transferring these functions to DMH would reduce the Public Guardian's costs significantly with no reduction in service. The T-TC currently contracts for some of the functions for which it bills the Public Guardian, including:

- Personal property management, including drayage contract costs, warehouse and vault storage and maintenance, auction sales contract costs, and property distribution costs.
- Real property management, including title clearance and Insurance, property rentals, property management, repairs and maintenance, and sales.
- Estate accounting.

As appropriate, the Public Guardian could contract for some of these services directly, resulting in direct control and saving the overhead charges incurred through its agreement with the T-TC. In other cases – such as estate accounting – DMH or Public Guardian staff could perform the functions, using classifications already in place.

Recommendation #20. Increase interaction and training with County Counsel management and staff to examine common issues that arise in more complicated estates and contexts and to increase the level of responsiveness overall. (Refers to Finding #32)

While it is difficult to recommend additional meetings when both organizations have substantial workload and time constraints, a triage process for difficult cases could be informative and provide training to personnel on both sides. Discussion about overall support and relations (but focused as much as possible on specific examples to enhance the relevance and applicability of the conversation) should be encouraged. Discussion topics should be presented by both departments for discussion and agreements or results should be documented and shared with others. These sessions – conducted perhaps on a quarterly basis – should be opportunities for the candid exchange of information, for setting standards, and establishing performance expectations for both organizations. In particular, improved training and communication should resolve DPG complaints regarding the quality of service they receive from some assigned County Counsel attorneys.

Additionally, to keep DPGs apprised of legal requirements, County Counsel should provide periodic training to improve the quality of the Court Reports submitted to County Counsel and to improve response time for setting hearing dates by reducing the number of returned or rejected files. These sessions, conducted perhaps on a quarterly basis, should be opportunities for the candid exchange of information, for setting standards, and establishing performance expectations for both organizations.

Recommendation #21. Probate management and DMH management need to immediately improve the relations and communication between their two departments. (Refers to Finding #33)

The current relationship needs improvement and the only way to improve the relationship is to talk and review results in a constructive manner. Both organizations need to understand that personnel only have the best interests of their respective clients in mind. DMH needs to

understand the substantial caseload and funding concerns facing the Public Guardian and the Public Guardian needs to understand that DMH only wants their clients to have the best possible treatment. While there may continue to be differences of opinion about evaluation and treatment, each should understand and train their subordinates in the other's point of view. the Public Guardian should continue meeting with concerned DMH personnel regarding the status of their referrals and address their concerns as appropriate.

While blueCONSULTING cannot determine whether the philosophy of the health experts or the conservatorship experts is correct in how to assess an individual, the differences should be explained and resolved. It is possible that, given the different expectations and desires, the two entities will have to "agree to disagree" on this issue. Nonetheless, discussion is essential in educating both parties and ensuring a more cooperative relationship. Referral status information is easy to resolve and may indicate additional training or audit review of files to address concerns. Probate managers should appreciate knowing that referral notices were not received by DMH or others so that follow-up training of investigators may be warranted. The conversation between the two organizations needs to move from "what you are doing wrong" to "how can we work together more" for the benefit of the client.

Recommendation #22. The Public Guardian should consider alternatives to the current telephone systems and provide immediate information to Public Guardian personnel to answer questions, and establish standards of response that identify the speed with which phone calls should be returned. (Refers to Finding #34)

Assess whether personnel at T-TC should continue to answer the phones for Public Guardian and whether updated phone systems would be appropriate. A newer system could include:

- An easy to access directory of services that would bypass the Public Administrator receptionist. The directory could include a call center for general information, investigations, case management, accounting, and a referral number for APS-related emergencies.
- Estimated wait time.
- Options for information in English and Spanish.
- Rapid access to voice mail for staff who routinely interact with conservatees, referral sources, representatives of other departments or agencies.

Establish expectations for returning phone calls and indicate the time frame in which a call can be expected to be returned on voice mail messages. Although monitoring would be required, consider reimbursement for appropriate cell-phone use by DPGs.

Recommendation #23. The Public Guardian should continue and expand distribution of its brochure and develop additional printed materials and develop a dedicated website with links to the DMH website and other related older adult sites. (Refers to Finding #35)

The Public Guardian should continue to update and distribute its brochure. Furthermore, it should produce a one page FAQ sheet, outlining frequently asked questions and appropriate answers to supplement the brochure.

Distribution should be increased to include senior centers throughout the County, hospitals, skilled nursing facilities, public libraries, other County social service departments, and on the website.

Regardless of how DMH manages its own website, the residents of Los Angeles County will benefit directly from an easy-to-access, clear, and informative website regarding services provided for both LPS and probate conservatorships. The website should have links to the DMH website as well as to other websites with relevant information, such as APS, LA4Seniors, Superior Court probate, etc. The Public Guardian should review existing public guardian websites to identify best practices in terms of design, FAQ sheets, scope of information provided, and links to other websites.

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VII. Benchmark Survey

blueCONSULTING conducted a confidential **Benchmark Survey of Probate Conservatorship Organization and Functions** to elicit comparative information regarding probate conservatorship operations. To maintain confidentiality, participants have been coded.

A. Survey Methodology

This survey process was comprised of survey instrument design, participant selection and solicitation, and analysis.

Survey Instrument Design

The survey instrument included the following categories:

- Organizational structure.
- Staffing: levels, job titles and responsibilities.
- Education and training requirements for public guardian deputies.
- Probate conservatorship operations and workload indicators, including backlogs, referrals, case loads, etc.
- Referral process and criteria.
- Financial information (revenue sources, operating costs, and billing rates).
- Technology.
- External relationships.

A copy of the survey instrument is included in Appendix C.

Participant Selection and Solicitation

Selection of participants was based on:

- Collaboration with the Office of the Public Guardian to identify relevant comparable organizations.
- Solicitation of similar organizations with as many “apples to apples” comparisons as possible:
 - California counties because applicable laws governing Los Angeles County operations would be applicable.
 - Larger California counties with similar operating environments in terms of number of staff, number of referrals, number of cases, etc.
 - Nearby California counties facing similar regional and social issues.
- At least three agencies outside of California to compare and contrast differing laws, mandates, and legislation. These counties would have large senior populations.

- At least two private conservatorship firms practicing in California.

The Deputy Director initiated contact with his counterparts in California counties. blueCONSULTING followed up by telephone, fax, and email.

In addition to two private conservatorship firms, 14 of 17 probate conservatorship functions (including Los Angeles) participated in the confidential survey at some level, for a response rate of 82%. Each participant has been assigned a code to maintain confidentiality.

Exhibit 38: Benchmark Survey participants

Participants		Complete Survey	Interview	Reference
California Counties				
1	Alameda			
2	El Dorado	X		X
3	Imperial	X		X
4	Los Angeles	X	X	
5	Orange	X		
6	Riverside	X		
7	Sacramento	X	X	
8	San Bernardino	X		
9	San Diego	X	X	
10	San Francisco	X	X	
11	San Joaquin	---		
12	Santa Barbara	X		X
13	Santa Clara	X		
14	Ventura	X		
Out-of-State Counties				
15	Broward County, Florida	X		X
16	Clark County, Nevada	---		
17	Pima County, Arizona	X		
Total County participants		14		
Private Conservatorship Firms				
18	Chinello, Mandell (Glendale, California)	X		X
19	Emily Stuhlbarg & Associates (Torrance, California)	X		X

Source: blueCONSULTING

B. Benchmark Survey Outcomes

This section presents relevant outcomes from the Benchmark Survey in comparison to Los Angeles. Please note: Not all participants completed all parts of the survey instrument, including the County of Los Angeles. Complete survey results are presented in Appendix C.

Funding

Funding information was reported by six counties, in addition to the information obtained from Los Angeles County. Of those that reported funding information, only Los Angeles County does not provide significant funding from its general fund, as shown in Exhibits 39.

Exhibit 39: Revenue by Type (Dollars and Percentage)⁽¹⁾

Revenue by Type (Dollars and Percentage) ⁽¹⁾									
Participant	Assets		Liabilities		Income		Expenses		Total
A	\$215,538	20%	\$787,348	72%	\$78,048	7%	\$18,404	2%	\$1,099,338
C	\$478,933	19%	\$1,952,409	79	0	—	\$54,530	2%	\$2,485,872
F	\$88,000	33%	\$108,000	40	\$75,000	28%	0	—	\$271,000
G	\$700,000	24%	\$1,250,000	42%	\$1,020,000	34%	0	—	\$2,970,000
H	\$384,207	49%	\$404,343	51%	0	—	0	—	788,550
L	\$50,000	28%	\$131,750	72%	0	—	0	—	\$181,750
Los Angeles	\$777,495	51%	—	—	\$462,060	30%	\$279,170	18%	\$1,518,725

(1) Revenue percentages may not add to 100% due to rounding.

(1) Revenue percentages may not add to 100% due to rounding.

Operations

- Six county Public Guardian agencies are units within their county Public Administrator function. One agency is operated by a local university.
 - ✓ Since 1988, in Los Angeles County, the Office of the Public Guardian and the Public Administrator are in two separate departments, DMH and the Treasurer-Tax Collector, respectively.
- Twelve agencies perform their own court accounting duties within the Office of the Public Guardian.
 - ✓ In Los Angeles County, DPGs prepare some accounting documents, but the full accounting function is the responsibility of the Public Administrator.
- In 12 counties, the DPG position is responsible for preparing check requests to pay conservatee bills for such items as housing, clothing, pharmacy, and medical.
 - ✓ In Los Angeles County, both DPGs and CAAs identify the need for and approve check requests.
- Checks are issued internally in 12 county agencies. In one county, checks are issued by the Auditor/Controller.
 - ✓ In Los Angeles County, checks are issued by the T-TC.
- Only three agencies provide transportation services for conservatees.
 - ✓ In Los Angeles County, the Public Guardian provides transportation services.

Staffing

- Eleven agencies use County Counsel staff to handle Court petitioning responsibilities and tasks. Staff levels and utilization range from 0.5 FTE to 3.5 FTE.
- Eight agencies use DPGs interchangeably for both investigation and case management. Five have dedicated staff for either investigative responsibilities or case management.
 - ✓ In Los Angeles County, DPGs perform investigation and case management duties in separate units.
- Seven agencies require that DPGs have a bachelor's degree, as follows:

- Four counties require a bachelor's degree in any major.
- One county requires a bachelor's degree in a related field such as social work or psychology.
- Two counties require a masters degree in a related field.
- One county uses graduate school interns.
- ✓ In Los Angeles County, new DPGs must have a bachelor's degree (although several incumbents do not). However, CAAs, who perform some of the same functions, are not required to have college education.

Workload Indicators

Fewer than one-half of survey participants provided workload data (e.g., number of cases, referrals, etc.).

- Total active cases in 2004 ranged from 65 to 556.
- ✓ In Los Angeles County, there were 503 active cases in 2004.

Exhibit 40: 2004 Caseloads

Participant	Total Active Cases	New Cases Appointed	New Cases as % of Total
A	358	43	12%
B	275	34	12%
C	333	41	12%
D	70	4	6%
E	360	70	19%
F	100	12	12%
G	556	65	12%
H	260	29	11%
I	150	36	24%
J	240	56	23%
L	65	10	15%
M	158	14	9%
Los Angeles	503	122	24%

Source: Benchmark Survey

- The total number of referrals for probate conservatorships ranged from 40 to 802 in 2004, as illustrated in Exhibit 41 below.
- ✓ Los Angeles County had the highest number of referrals.

Exhibit 41: 2004 Referrals vs. Appointed Cases

Participant	Total Referrals	Appointed Cases in 2004	% of Total
A	176	43	24%
B	250	34	14%
C	80	41	51%

Exhibit 41: 2004 Referrals vs. Appointed Cases

Participant	Total Referrals	Appointed Cases	% of Refs
D	40	4	10%
E	637	70	11%
F	77	12	16%
G	141	65	46%
H	110	29	26%
I	180	36	20%
J	306	56	18%
L	52	10	19%
M	55	14	25%
Los Angeles	802²¹	122	15%

Source: Benchmark Survey

- As shown in Exhibit 42 below, six of the benchmark agencies have dedicated staff for either investigative responsibilities or case management. In Exhibit 45, eight agencies use DPGs interchangeably for both investigation and case management. Total active cases per DPG, total appointed cases per DPG and total referrals per DPG all vary accordingly.
 - ✓ As shown, Los Angeles County DPGs perform investigation and case management duties in separate units.

Exhibit 42: Caseload Statistics: Separate Investigation/Case Mgmt Staffing

Participant	Total Active Cases	Appointed Cases	Total Referrals	Cases Mgmt Staff Only	Total Active Cases per DPG	Appointed Cases per DPG	Total Referrals per DPG
A	170	43	176	2.5	68	17.2	70.4
E	360	70	637	n/r	n/a	n/a	n/a
F	100	12	77	2	50	6	38.5
J	240	56	306	5	48	11.2	61.2
Los Angeles	503	122	802	10.25 ⁽¹⁾	49.1	11.9	78.2
M	158	14	55	6	26.3	2.3	9.2

Source: Benchmark Responses
n/r: not reported, n/a: not applicable

- (1) Data provided by the Public Guardian indicated 10.25 FTE, however, is clearly a mistake. blueCONSULTING Developed an effective FTE of 4.75 DPGs.

²¹ This number differs from the 766 referrals in a LAPIS generated report.

Exhibit 43: Caseload Statistics: Combined Investigation/Case Mgmt Staffing

Participant	Total Cases	Actual Cases 2001	Referral in 2001	Combined Staff	Total Cases per DFC	Actual Cases per DFC	Referral per DFC
B	275	34	250	4	68.8	8.5	62.5
C	333	41	80	9	37.0	4.6	8.9
D	70	4	40	3	23.3	1.3	13.3
G	556	65	141	n/r	n/a	n/a	n/a
H	260	29	110	7	37.1	4.1	15.7
I	150	36	180	3	50.0	12.0	60.0
L	65	10	52	n/r	n/a	n/a	n/a
N	93	n/r	n/r	9	10.3	n/a	n/a

Source: Benchmark Responses

* Same staff perform investigations and case management
n/r: not reported, n/a: not applicable

Referral Criteria

Survey participants selected the three most important criteria for probate conservatorship referrals. Seven of the ten criteria listed were selected at least once, with actual or potential abuse being selected most often.

Exhibit 44: Referral Criteria

Criteria	Number of Times Among the Three Most Important	Percentage of Total Referrals
Actual or potential abuse victim	11	✓
Subject to undue influence or fraud	10	✓
Lack of family or other care giver	7	
Dementia	6	
Lack of appropriate shelter	2	
Inability to provide for physical needs	2	✓
Chronic health problems	1	
Inability to obtain appropriate clothing	---	
Indigent	---	
Age	---	

Source: Benchmark Survey

The main reason for not petitioning for appointment is that the referral did not meet the criteria. Death of the conservatee during the investigation process was seldom the cause, while "finding another alternative" was frequently the reason.

Exhibit 45: Reason for Rejecting a Referral

Participant	Referral Did Not Include Criteria	Deaf or Hard of Hearing	Referral Source A Problem
A	13%	1%	86%
C	51%	23%	26%
E	75%	< 1%	25%
F	14%	16%	70%
G	60%	4%	36%
H	20%	5%	75%
J	65%	5%	30%
L	84%	—	16%
M	57%	3%	40%
Los Angeles*	43%	9%	11%

Source: Benchmark Survey

* The Public Guardian did not complete this part of the survey. We retrieved the data from other sources.

Referral Packets

The majority of survey participants do not accept faxed referrals, but require a comprehensive investigation packet that addresses conservatorship criteria. A typical packet ranges from five to seven pages and requires significant information about the individual's health, family, assets, living situation, etc. Participants believe that this approach screens out inappropriate referrals.

- In seven agencies, the director or assistant director reviews all referrals.
- Most hospital referrals are based on two factors: the need to replace stable patients with new patients who require acute care, and the need to replace patients whose Medical/Medicare funding has expired with those who can pay. One county is investigating a pilot program to address this issue. The program would include a dedicated position (to be funded by the hospitals) to manage a representative payee or temporary conservatorship program to facilitate removing stable patients and placing them in skilled nursing facilities. Such an approach would achieve appropriate placement without placing the burden of conservatorship on the county.

Los Angeles also requires a referral packet from APS, CAN, and community referral sources, each of which is slightly different. But the existence of the referral packet appears to have little impact on the number of referrals petitioned for appointment.

Referral Backlogs

The Los Angeles County Public Guardian is the only probate conservatorship operation that maintains a backlog of incoming referrals. This is significant because a number of the probate conservatorship functions surveyed that carry high caseloads manage without creating a backlog of referrals.

Fees/Rates for Services

The table below shows various fees and rates for services.

Exhibit 46: Fees or Rates for Services

Participant	Hourly Rate or Flat	Service
A	\$55.55	Deputy
	\$48.35	Real Property
	\$37.24	Personal Property Services
	\$45.54	Regular Accounting
	\$77.35	Tax Accounting
	\$50.82	Social Workers
E	\$65.00	Investigation and case management services
	\$40.00	Benefits applications
F	\$350.00	Flat rate
	\$45.00	Attorney
G	\$740.00	Flat rate for investigation (when followed by appointment)
	\$1,250.00	Annual fee for case management.
H	\$30.00	Investigation/Case Management
J	\$279.00	Monthly fee for regular services.
	\$46.00	Extraordinary services
	\$89.00	Investigations \$89
	\$39.00	EPT
	\$25.00	Bond Fee (+ 0.25% above \$10,000)
M	\$75	Hourly fee
Los Angeles*	\$94.26	Senior DPG
	\$89.31	DPG
	\$65.38	CAA

Source: Benchmark Survey

* The Public Guardian did not complete this part of the survey. We retrieved the data from other sources.

Representative Payee Programs

Three agencies manage Representative Payee programs in addition to probate conservatorships:

- In one agency, the Representative Payee program is an informal program in which the Guardian's Office receives SS/SSI checks directly and handles the financial affairs for eligible individuals. Services may include paying rent and utilities or ensuring someone is helping to purchase food and prescriptions. This process includes signing a one-page form indicating that SS/SSI checks will go to the Public Guardian and that the office will administer the individual's funds. According to this agency, most individuals with representative payees are satisfied with this arrangement; those who are not may want unlimited access to their funds reportedly to purchase drugs or alcohol.
 - Most representative payee referrals come from the Social Security Administration.

- The workload for DPGs may be higher because the individuals are more likely to be living independently and require frequent check requests.
- In a second agency, the public guardian manages about 150 representative payee clients in conjunction with its mental health agency. These clients have a mental health case worker and a guardian case worker. The guardian case worker focuses primarily on paying bills and coordinating with other service providers.
- A third agency manages approximately 75 representative payee clients. A dedicated Program Assistant handles these clients, which includes primarily bill paying.
 - ✓ Los Angeles County does not have a Representative Payee program.

Preparation of Legal Documents

DPGs in other agencies spend more time preparing legal documents than their Los Angeles counterparts, and attorneys spend less time.

- One agency allocates a single attorney at County Counsel to petition the Court for probate conservatorships. However, the agency's DPGs prepare more in-depth court reports which reduces the attorney's workload (and reduces the cost to the conservatee because County Counsel isn't charging for its services).
- In another agency, the DPGs prepare all the legal documentation for submission to the Court, including the pleadings, using a legal software program to standardize language and report generation. The role of County Counsel is simply to review the documents prepared by the Public Guardian; about .25 FTE of one attorney is assigned to probate conservatorship.
- In a third agency, an assistant position at County Counsel is responsible for preparing legal documentation.
- In a fourth agency, if the Public Guardian accepts a referral, the case is turned back over to the referring party to petition the Court. Los Angeles also refers numerous parties who call in to petition the Superior Court directly.

Use of Technology to Conduct Business

Los Angeles County appears to make better use of technology in most areas of operations, as shown in Exhibit 47.

Exhibit 47: Use of Technology

Participant	Personal Computer	Network System	Internet	Email	Telephone	FAX	Address
A	none	1,2,7,9,10	1,2	1,2,4,5,6,8	all but 8,10	all	all
C	1,2	1,2	1,2,7	1,2,3,4,5,8	all but 9,10	1,2,3	all but 1,2,3
E	1,2	1,2,10	1,	1,2,3	all but 4,9, 10	all but 4,9, 10	5,6,7,8,9
F	1,2	1,2	1,	1,2,3,4,5,6	1,2,3,4,5,6	1,2,3,4,5,6	1,2,3,4,5,6
G	all	all	all	all	all	all	all
H	1,2,3	1,2,3	1,2,3,5,7	1,2,3,5,7	1,2,3,4	1,2,3,4	4,10
J	none	none	none	4,5,	all	all	all
L	1,2	1,2	1,2	1,2,3,6,8	all but 9,10	all but 9,10	4,7,9,10

Exhibit 47: Use of Technology

Participant	Personal Computer	Network System	Internet	Email	Fax Machine	Fax	Modem
M	all but 3,9,10	all but 9,10	all but 3,8,10	all	all	all	all
Los Angeles	all	all but 3	1,2	1,2,3,4,8	all	all	all

Source: Benchmark Survey

Technology Legend

- 1 Referrals
- 2 Case Administration
- 3 Communication with hospitals, skilled nursing facilities, and other agencies
- 4 Medi-Cal
- 5 Social Security
- 6 Veterans
- 7 Benefits
- 8 APS
- 9 Completion of Benefits Applications
- 10 Check Requests

Private Conservatorship Firms

Telephone interviews were conducted with two of the larger and more established private probate conservatorship firms in Southern California: Chinello-Mandell (Glendale, California) and Emily Stuhlbarg & Associates (Torrance, California). Both of these firms have operated for about 20 years and both maintain a staffing level of eight to ten positions. As would be expected, issues and comparative operating data relating to private providers do not correlate with those of public agencies. As such, our discussions with the private providers focused on the following:

- **Referral Source.** Most referrals come from private attorneys who have long term relationship with the respective firms. As a result, the majority of referrals meet conservatorship criteria.
- **Revenue Requirements.** Both firms agreed that determining whether a potential case is financially sound is critical because the bulk of the revenue will be generated during the first two years of the conservatorship.
 - A conservator is responsible for a conservatee for the life of the person (and is not allowed to abandon a conservatee based on lack of assets), yet estate resources may be depleted long before the person expires.
 - Given that annual costs for a skilled nursing facility range are about \$60,000 and about \$36,000 for a retirement facility, a modest estate can be liquidated rather quickly.
 - A private provider will need to generate \$10,000 to \$15,000 during the first two years of the conservatorship to sustain a successful conservator relationship for life.
 - Hourly fees generally range from \$75 to \$100.

C. Ratios as Required in Work Order 6-95

The exhibits presented on the following pages present the ratios requested in Work Order 6-95 and were calculated based on the data provided in the responses to the Benchmark Survey. Per the Work Order, the ratios include:

- G.2.a: Role of organizational structure in promoting efficient management of conservatorship functions from personal care to property management. (Please note: Organizational structure and staffing schemes are discussed earlier in this chapter.)
- G.2.b: Ratio of total budget to total staffing.
- G.2.c: Ratio of referral investigators (DPGs) to total staff.
- G.2.d: Ratio of DPGs to total staff.
- G.2.e: Ratio of clerical and secretarial staff to total staff.
- G.2.f: Ratio of supervisors and managers to total staff.
- G.2.g: Use of information technology. (Please note: This information is presented in Exhibit 49 earlier in this chapter.)
- G.2.h: Caseload and per investigator/DPG caseload to include backlog and distribution/assignment of work. (Please note: This information is presented earlier in this chapter.)
- G.2.i: Ratio of administration budget to total budget. (Please note: Survey participants did not provide adequate financial or budget data to calculate this ratio.)
- G.2.j: Administrative control practices. (Please note: This information was not feasible to include in a Benchmark Survey.)
- G.2.k: Cost per investigation completed and annual cost per conservatorship administered. (Please note: No Survey participants responded to this question.)
- G.2.l: Accounting and property management handling. (Please note: This information is presented earlier in this chapter.)
- G.2.m: Ratio of revenue generated to public dollars spent. (Please note: This was calculated by deducting earned revenue from total revenue, however the precise source of the unearned revenue is not identified.)

Exhibit 50: Ratio Analysis

Ratio of Total Budget to Total Staff (Worksheet G.2.b)									
Position	A	B	C	D	E	F	G		
Executive Manager		n/r	0.25	n/r	n/r		n/r		n/r
Division Head/Chief		n/r	0.5	n/r	n/r		n/r		n/r
Assistant Division Chief		n/r	1	n/r	n/r		n/r		n/r
Supervisor	1	n/r	2	n/r	n/r	1	n/r		n/r
Senior Deputy	3	n/r		n/r	n/r	1	n/r		n/r
Deputy II	6	n/r	7	n/r	n/r	3	n/r		n/r
Deputy I		n/r		n/r	n/r		n/r		n/r
Administrative Assistant		n/r	2	n/r	n/r		n/r		n/r
Secretary		n/r	1	n/r	n/r		n/r		n/r
Clerical	5	n/r	4	n/r	n/r	5	n/r		n/r
Technical expert		n/r		n/r	n/r		n/r		n/r
Other:	3	n/r	1	n/r	n/r		n/r		n/r
Total Staff	18.0	n/r	18.75	n/r	n/r	10.0	n/r		n/r
Total Budget	\$ 1,099,338	n/r	\$ 2,485,872	n/r	n/r	\$ 271,000	n/r		n/r
Budget per Staff	\$ 61,074	n/r	\$ 132,580	n/r	n/r	\$ 27,100	n/r		n/r
Ratio of Investigating DPGs to Total Staff (Worksheet G.2.c)									
Position	A	B	C	D	E	F	G		
DPG Investigators	4.5	n/r	n/r	n/r	n/r	1	n/r		n/r
Other Staff	13.5	n/r	n/r	n/r	n/r	9	n/r		n/r
Total Staff	18	n/r	n/r	n/r	n/r	10	n/r		n/r
Ratio of Investigating DPGs to Total Staff	1:4	n/r	n/r	n/r	n/r	1:10	n/r		n/r
Investigating DPGs as Percent of Total Staff	25%	n/r	n/r	n/r	n/r	10%	n/r		n/r

Note: For agencies with dedicated investigators (e.g., they perform investigation duties only and not case management)

Notes

n/r = not reported by the participant

Ratio of administration budget to total budget (Worksheet G.2.i): Not requested specifically in the Benchmark Survey. Participants who provided financial data did not provide adequate detail to derive administrative costs.

Cost per investigation completed and annual cost per conservatorship administered (Worksheet G.2.k): Requested in Benchmark Survey, but no participants responded.

Exhibit 50: Ratio Analysis

Ratio of Total Budget to Total Staff (Workplan G.2.b)									
Position	H	I	J	Los Angeles	L	M	N		
Executive Manager	0.33	n/r	n/r	n/r	n/r	n/r	n/r		
Division Head/Chief		n/r	n/r	n/r	n/r	n/r	n/r		
Assistant Division Chief		n/r	n/r	n/r	n/r	n/r	n/r		
Supervisor	1	n/r	n/r	n/r	n/r	n/r	n/r		
Senior Deputy		n/r	n/r	n/r	n/r	n/r	n/r		
Deputy II	6	n/r	n/r	n/r	n/r	n/r	n/r		
Deputy I		n/r	n/r	n/r	n/r	n/r	n/r		
Administrative Assistant		n/r	n/r	n/r	n/r	n/r	n/r		
Secretary		n/r	n/r	n/r	n/r	n/r	n/r		
Clerical	0.5	n/r	n/r	n/r	n/r	n/r	n/r		
Technical expert		n/r	n/r	n/r	n/r	n/r	n/r		
Other:		n/r	n/r	n/r	n/r	n/r	n/r		
Total Staff	7.8								
Total Budget	\$ 788,550								
Budget per Staff	\$ 100,709								
Ratio of Investigating DPGs to Total Staff (Workplan G.2.c)									
Position	H	I	J	Los Angeles	L	M	N		
DPG Investigators	n/r	n/r	3	n/r	n/r	1.33	n/r		
Other Staff		n/r	13.5	n/r	n/r	17.67	n/r		
Total Staff		n/r	16.5	n/r	n/r	19	n/r		
Ratio of Investigating DPGs to Total Staff		n/r	1:6	n/r	n/r	1:14	n/r		
Investigating DPGs as Percent of Total Staff		n/r	18%	n/r	n/r	7%	n/r		

Note: For agencies with dedicated investigators (e.g., they perform investigation

Notes

n/r = not reported by the participant

Ratio of administration budget to total budget (Workplan G.2.i): Not requested specifically in the Benchmark Survey. Participants who provided financial data did not provide adequate detail to derive administrative costs.

Cost per investigation completed and annual cost per conservatorship administered (Workplan G.2.k): Requested in Benchmark Survey, but no participants responded.

Exhibit 50: Ratio Analysis

Ratio of DPGs to Total Staff (Workplan G.2.d)						
Position	A	B	C	D	E	F
Executive Manager			0.25	0.5	n/r	n/r
Division Head/Chief		1	0.5		n/r	n/r
Assistant Division Chief		1	1	1	n/r	n/r
Supervisor	1	1	2		n/r	1
Senior Deputy	3				n/r	1
Deputy II	6	2	7	3	n/r	3
Deputy I		1			n/r	
Administrative Assistant			2		n/r	
Secretary			1		n/r	
Clerical	5	6	4	2	n/r	5
Technical expert					n/r	
Other:	3		1		n/r	
DPGs	9	3	7	3	n/r	4
Total Staff	18	12	18.75	6.5	n/r	10
Ratio of DPGs to Total Staff	1:2	1:4	1:3	1:2	n/r	1:3
DPGs as % of Total Staff	50%	25%	37%	46%	n/r	40%
Ratio of Clerical/Secretarial Staff to Total Staff (Workplan G.2.e)						
Position	A	B	C	D	E	F
Executive Manager			0.25	0.5		
Division Head/Chief		1	0.5			
Assistant Division Chief		1	1	1		
Supervisor	1	1	2			1
Senior Deputy	3					1
Deputy II	6	2	7	3		3
Deputy I		1				
Administrative Assistant			2			
Secretary			1			
Clerical	5	6	4	2	3.6	5
Technical expert						
Other:	3		1			
Clerical/Secretarial Staff	5	6	7	2		5
Total Staff	18	12	18.75	6.5		10
Ratio of Clerical/Secretarial Staff to Total Staff	1:4	1:2	1:3	1:3		1:2
Clerical/Secretarial Staff as % of Total Staff	28%	50%	37%	31%		50%

Notes

n/r = not reported by the participant

Ratio of administration budget to total budget (Workplan G.2.i): Not requested specifically in the Benchmark Survey. Participants who provided financial data did not provide adequate detail to derive administrative costs.

Cost per investigation completed and annual cost per conservatorship administered (Workplan G.2.k): Requested in Benchmark Survey, but no participants responded.

Exhibit 50: Ratio Analysis

Ratio of DPGs to Total Staff (Workplan G.2.d)									
Position	H	I	J	Los Angeles	L	M	N		
Executive Manager	0.33	1	1	n/r	n/r				
Division Head/Chief				n/r	n/r		1		
Assistant Division Chief			1.5	n/r	n/r		1		
Supervisor	1			n/r	n/r	1			
Senior Deputy			8	n/r	n/r				
Deputy II	6	3		n/r	n/r	6	1		
Deputy I				n/r	n/r				
Administrative Assistant		1		n/r	n/r	1	8		
Secretary		1		n/r	n/r				
Clerical	0.5	1	6	n/r	n/r	5	1		
Technical expert				n/r	n/r		7		
Other:		3		n/r	n/r	6			
DPGs	6	3	8	n/r	n/r	6	9		
Total Staff	7.83	10	16.5	n/r	n/r	19	19		
Ratio of DPGs to Total Staff	1:1	0.3	1:2	n/r	n/r	1:3	1:2		
DPGs as % of Total Staff	77%	30%	48%	n/r	n/r	32%	47%		
Ratio of Clerical/Secretarial Staff to Total Staff (Workplan G.2.e)									
Position	H	I	J	Los Angeles	L	M	N		
Executive Manager	0.33	1	1	n/r	n/r				
Division Head/Chief				n/r	n/r		1		
Assistant Division Chief			1.5	n/r	n/r		1		
Supervisor	1			n/r	n/r	1			
Senior Deputy			8	n/r	n/r				
Deputy II	6	3		n/r	n/r	6	1		
Deputy I				n/r	n/r				
Administrative Assistant		1		n/r	n/r	1	8		
Secretary		1		n/r	n/r				
Clerical	0.5	1	6	n/r	n/r	5	1		
Technical expert				n/r	n/r		7		
Other:		3		n/r	n/r				
Clerical/Secretarial Staff	0.5	3	6	n/r	n/r	6			
Total Staff	7.83	10	16.5	n/r	n/r	19	8		
Ratio of Clerical/Secretarial Staff to Total Staff	1:15	1:3	1:3	n/r	n/r	1:3	1:2		
Clerical/Secretarial Staff as % of Total Staff	6%	30%	36%	n/r	n/r	32%	42%		

Notes

n/r = not reported by the participant

Ratio of administration budget to total budget (Workplan G.2.i): Not requested specifically in the Benchmark Survey. Participants who provided financial data did not provide adequate detail to derive administrative costs.

Cost per investigation completed and annual cost per conservatorship administered (Workplan G.2.k): Requested in Benchmark Survey, but no participants responded.

Exhibit 50: Ratio Analysis

Ratio of Supervisors/Managers to Total Staff (Workplan G.2.f)									
Position	A	B	C	D	E	F	G		
Executive Manager			0.25	0.5	n/r		n/r		n/r
Division Head/Chief		1	0.5		n/r		n/r		n/r
Assistant Division Chief		1	1	1	n/r		n/r		n/r
Supervisor	1	1	2		n/r	1	n/r		n/r
Senior Deputy	3				n/r	1	n/r		n/r
Deputy II	6	2	7	3	n/r	3	n/r		n/r
Deputy I		1			n/r		n/r		n/r
Administrative Assistant			2		n/r		n/r		n/r
Secretary			1		n/r		n/r		n/r
Clerical	5	6	4	2	n/r	5	n/r		n/r
Technical expert					n/r		n/r		n/r
Other:	3		1		n/r		n/r		n/r
Total Supervisory/Management Staff	1	3	3.75	1.5	n/r	1	n/r		n/r
Total Staff	18	12	18.75	6.5	n/r	10	n/r		n/r
Ratio of Supervisors/Managers to Total Staff	1:17	1:3	1:4	1:3	n/r	1:9	n/r		n/r
Supv/Mgmt as % of Total Staff	6%	25%	20%	23%	n/r	10%	n/r		n/r
Ratio of Earned Revenue to Public Dollars Spent (Workplan G.2.m)									
	A	B	C	D	E	F	G		
Revenue Source	\$215,538	\$478,933	n/r	n/r	n/r	\$88,000	\$700,000		
Estate Fees			n/r	n/r	n/r				
Contracts with Referral Sources			n/r	n/r	n/r				
County General Fund			n/r	n/r	n/r				
Targeted Case Management			n/r	n/r	n/r				
Other			n/r	n/r	n/r				
Other Revenue	\$883,800	\$2,006,939	n/r	n/r	n/r	\$183,000	\$2,270,000		
Total Revenue	\$1,099,338	\$2,485,872	n/r	n/r	n/r	\$271,000	\$2,970,000		
Ratio of Estate Fees to Total Revenue	0.2	0.2	n/r	n/r	n/r	0.3	0.2		
Ratio of One Dollar of Revenue to Public Dollars Spent	5.1	5.2	n/r	n/r	n/r	3.1	4.2		

Notes

n/r = not reported by the participant

Ratio of administration budget to total budget (Workplan G.2.l): Not requested specifically in the Benchmark Survey. Participants who provided financial data did not provide adequate detail to derive administrative costs.

Cost per investigation completed and annual cost per conservatorship administered (Workplan G.2.k): Requested in Benchmark Survey, but no participants responded.

Exhibit 50: Ratio Analysis

Ratio of Supervisors/Managers to Total Staff (Workplan G.2.i)										
Position	H	I	J	Los Angeles	L	M	N			
Executive Manager	0.33	1	1	n/r	n/r					
Division Head/Chief				n/r	n/r		1			
Assistant Division Chief			1.5	n/r	n/r		1			
Supervisor	1			n/r	n/r	1				
Senior Deputy			8	n/r	n/r					
Deputy II	6	3		n/r	n/r	6	1			
Deputy I				n/r	n/r		8			
Administrative Assistant		1		n/r	n/r	1				
Secretary		1		n/r	n/r		1			
Clerical	0.5	1	6	n/r	n/r	5	7			
Technical expert				n/r	n/r					
Other:		3		n/r	n/r	6				
Total Supervisory/Management Staff	1.33	1	2.5	n/r	n/r	1	2			
Total Staff	7.83	10	16.5	n/r	n/r	19	19			
Ratio of Supervisors/Managers to Total Staff	1:5	1:9	1:6	n/r	n/r	1:18	1:7			
Supv/Mgmt as % of Total Staff	17%	10%	15%	n/r	n/r	5%	11%			
Ratio of Earned Revenue to Public Dollars Spent (Workplan G.2.ii)										
Revenue Source	H	I	J	Los Angeles	L	M	N			
Estate Fees	\$384,207	n/r	n/r	n/r	\$50,000	n/r	n/r			
Contracts with Referral Sources		n/r	n/r	n/r		n/r	n/r			
County General Fund		n/r	n/r	n/r		n/r	n/r			
Targeted Case Management		n/r	n/r	n/r		n/r	n/r			
Other		n/r	n/r	n/r		n/r	n/r			
Other Revenue	\$404,343	n/r	n/r	n/r		n/r	n/r			
Total Revenue	\$788,550	n/r	n/r	n/r	\$131,750	n/r	n/r			
Ratio of Estate Fees to Total Revenue	0.5	n/r	n/r	n/r	\$181,750	n/r	n/r			
Ratio of One Dollar of Revenue to Public Dollars Spent	2.1	n/r	n/r	n/r	0.3	n/r	n/r			
				n/r	3.6	n/r	n/r			

Notes

n/r = not reported by the participant

Ratio of administration budget to total budget (Workplan G.2.i): Not requested specifically in the Benchmark Survey. Participants who provided financial data did not provide adequate detail to derive administrative costs.

Cost per investigation completed and annual cost per conservatorship administered (Workplan G.2.k): Requested in Benchmark Survey, but no participants responded.

Appendix A: Interview List

**2004 Department of Mental Health
Office of the Public Guardian Special Study Requests Log**

Interview List

Office of the Public Guardian

Ellen Adams
Yacael Andrews
Joyce Arnold
Cheryl Avelar
Gwen Bedell
Anne Bell
Malvina Brown
Joan Calton
Vince Carson
Jackie Criddell
Hassan Elmezian
Chris Fierro
Annie Fortson
Ofelia Gonzaga
Marsha Gullage
Xuanlan Ha
Brenda Haydel
Christell Hicks
Yvonne Iraldo
Robert Jiminez
Denise Jones
Steve Kravit
Barbara Kubick
Dana Leagons
Patricia Littleton
Linda Liu
Lucille Lyon
Victor Martires
Richard Mejia
LaVerne Mitchell
Marsha Nave
Teri Nelson
Lois Osborne
Fernando Plazola
Lucy Sandoval
Fathy Sedky
Sossy Semerdjian
Zenaida Solis
Bill Tatman
Jackie Vahlgren
Aurthuree Williams

DMH

Mike Boyle
Sarah Gelberd, MD
Susan Kerr
Barbara Massey
Mike Motodani
Gurubanda Singh Khalsa
Marvin Southard
Yvette Townsend
Kevin Tsang

Public Administrator-TTC

Natoya Alexander-Frazier
Anthony Anderson
Henry Roman

County Counsel

Kevin Lechner
Richard Mason
Sari Steele
Richard Townsend

Superior Court

Commissioner Hauptman
Sandy Riley

APS

Cynthia Banks
Pam Smith
Corella Whatley

Board of Supervisors District Offices

Leada Erickson
Ron Hanson
Carol Kim
Ressie Roman
Avianna Uribe

External Experts

Patti Kasadate, LAPIS contractor
Laura Trejo, City of LA
Janet Yang, Center for Aging Resources

Customers

David Kim, Villa Board and Care
Sharon Moss, M.D., Cedars Sinai
Jim Piazzola, LAC-USC
Ana Reza, CAN

Appendix B: Document Request

Initial List Provided at Orientation

1. Office of the Public Guardian—General Information
2. Auditor-Controller, BOS Motion Sept 04
3. PG-Policy and Procedures Manual
4. Budget/Fiscal Information
5. Contracts/MOUs/Agreements
6. PG Association Training Manual
7. New Deputy Orientation Training Manual

Chris Fiero

8. GENESIS referrals to Public Guardian
9. DMH Organization Chart
10. Source of referrals by type and disposition
11. Resumes of Senior managers
12. Tracking categories and history
13. Monthly reports—TOC
14. Surveys of staff and family members
15. County Performance Evaluation form used

Barbara Kubik

16. LAPIS 8500 report for LPS and Probate.

Fernando Plazola

17. Monthly reports for 2004; Monthly 181 reports with aging of cases and disposition for 2004.
Number closed by category
18. Aging report as of 1/10/05

Lucille Lyon

19. Probate accounting process report and action plan
20. County Counsel Support Documentation
21. State Code
22. Risk Management and Treasurers Report
23. Riverside Orgn Chart
24. Analysis of Probate Referrals

Bill Tatman

- 25. Bill's personal Copy of Strategic Plan
- 26. Number of times where court removes Probate as conservator with reason
- 27. Number of cases where County was appointed as successor conservator

Sossy Semerdjian

- 28. List of powers for LPS and Probate—copy of letter/order
- 29. Copy of March 04 Audit of LPS and Probate

Fathy Sedky

- 30. County and DMH overhead and billing rates
- 31. Nov. LAPIS—received during interview.
- 32. Competitor billing rates, if possible.
- 33. Memo to Fiero on NCC.
- 34. Revenue per CAPS report—2000 on. (rec'd)

Yvonne Iraldo

- 35. Copy of Supervisor Duty Call sheets for the last week in Jan and first week of Feb.

After initial interviews

- 36. Analysis of Referrals for March, June, Aug and Nov 2004—Lucille Lyon—2/16/05
- 37. Referral information requested by Catherine from Lucille
- 38. Billing information from Richard Townsend —County Counsel

Submitted March 9, 2005

The list below contains both requested documents and requested information. If possible, please respond, by number, no later than March 17, 2005.

- 39. How many "Title 22" letters have you received during 2004? Please describe what a Title 22 letter is?
- 40. Please provide a description of non-handle codes for 2004. (This is to clarify the referral information provided for four months of 2004 by Ms. Lyon.)
- 41. List of criteria for screening referrals; i.e. what criteria are used to determine whether a potential case is screened out for non-handle?
- 42. Please provide a brief description of the background/training provided to the screener to allow her to perform this function.

43. Please provide the number of potential referrals screened out prior to assignment to investigators in 2004. If possible, please provide reasons for referrals being screened out.
44. Please list/provide the protocols used by investigators in determining "handle" versus "non-handle", i.e. are any standardized tools used by investigators to determine whether a case should not be handled or do they rely on their individual questioning of the potential conservatee? If questions are the focus, please describe the type of questions asked?
45. Confirm that the standard workload benchmark for an investigator is ten per month. If the number is different, please indicate accurate number. If there is no benchmark, please so state.
46. Please provide the responses to the benchmark survey previously submitted to the Office.
47. What is the standard workload benchmark, if any, for the number of cases (per month or per year) managed by a DPG?
48. How do terms such as "undue influence", "coercion", or "intimidation" influence the investigation process and ultimately the disposition of the referral? Is there a policy statement on this issue? If so, please provide.
49. Does the Office/County have a standardized case referral application form? If so, does the application form vary by source of referral?
50. Does the PG always notify referring parties upon receipt of a referral? If so, how? Does the Office track by date and source that type of information?
51. Does the PG always notify referring parties the final disposition of a referral? If so, how? Does the Office track by date and source that type of information?
52. What information does the PG have access to from Superior Court websites? Please describe how used.
53. What information does the PG not have access to from Superior Court websites that would be useful to the PG? Please describe how it could be used by PG.
54. Does the Office have policies and procedures regarding conservatee placement alternatives? If so, please provide.
55. How many individuals who were placed in conservatorship in 2004 were placed in nursing homes or board and care homes? What alternatives were used for 2004 conservatees? How many conservatees were allowed to remain in their homes/apartments?
56. How are existing brochures prepared by the Office to describe the conservatorship process distributed? Does the Department keep track of the number distributed?
57. Is there a formal appeal or grievance process for referring entities? Please describe.
58. Do individual managers within the Office participate in professional organizations associated with conservatorships? If so, please describe.
59. What has the turnover of investigators been for the last five years, by year?
60. Turnover for case managers for 2003 and 2004.
61. Internal Audit results for 2002 and fourth quarter 2003.

Appendix C

**County of Los Angeles
Office of the Public Guardian
Benchmark Survey of
Probate Conservatorship Organization and Functions
Survey Results and Survey Instrument**

Survey Participants

Participants	Completed Survey	In Person Interview	Telephone Interview
California Counties			
Alameda	X		X
El Dorado	X		X
Imperial	X	X	
Los Angeles	X		
Orange	X		
Riverside	X	X	
Sacramento	X		
San Bernardino	X	X	
San Diego	X	X	
San Francisco	---		
San Joaquin	X		X
Santa Barbara	X		
Santa Clara	X		
Ventura	---		
Out-of-State Counties			
Broward County, Florida	X		X
Clark County, Nevada	---		
Pima County, Arizona	X		
Total County participants	14		
Private Conservatorship Firms			
Chinello, Mandell (Glendale, California)	X		X
Emily Stuhlberg & Associates (Torrance, California)	X		X

Survey Results

Please note: Survey results are incomplete because not all participants completed all sections of the survey. In some cases, no one submitted data.

I. Probate Conservatorship Organizational Structure

Participant	1. Are Public Administrator/Public Guardian functions handled by the same department?
A	Yes.
B	No. Public Administrator is in Sheriff. Public Guardian is in Department of Human Services.
C	No. Public Administrator in Coroner/Sheriff's. Public Guardian organized with Social Services Agency in the late 1980's.
D	Yes.
E	No. This department does not handle tax-collection activities, but does handle all banking, asset management and court accounting functions.
F	No. Public Guardian was organized with Public Administrator until 01/08/05; however was split. Public Guardian is being organized into Department of Aging.
G	Yes.
H	Yes.
I	N/a. Public Guardian managed by through a County contract with Barry University.
J	No. Public Administrator – Coroner/Sheriff. Public Guardian is organized in Mental Health.
Los Angeles	No.
L	Yes, within the Treasurer – Tax Collector.
M	Yes, the Sacramento County PA/PG/PC office handles all administrator and conservator functions.
N	No. Public Administrator with Sheriff. Public Guardian Conservators — Health Care Services (Agency), Behavior Health Services.

Participant	2. What organization is responsible for Court Accounting?
A	This office; however, reviewed by County Counsel.
B	This office.
C	This office.
D	This office. Currently handled by an Assistant Chief. Account Clerks are currently being trained to handle the simple, routine accountings.
E	Interoffice collaboration between legal and accounting departments.
F	This office.
G	This office. Public Administrator/Guardian/Conservator
H	This office. The PA/PG's Accounting Division and Legal Team processes the Court Accountings.
I	This office. Public Guardian staff.
J	This office. Accounting Division organized within the Public Guardian.
Los Angeles	Public Administrator, which is organized within the Treasurer/Tax Collector.
L	This office.
M	This office.
N	This office.

Participant	3. What position prepares check requests to pay conservatee bills for such items as housing, clothing, pharmacy, and medical?
A	Deputy. Then to accounting staff for verification that requests meets accounting standards and Auditor/Controller requirements. Accounting transmits to Auditor/Controller.
B	Deputy Public Guardian; however, approved by Supervisor.
C	Assistant Public Guardian/Conservator — equivalent Deputy
D	Deputy Public Guardian
E	Case Managers and Property Specialists
F	Deputy Public Guardian
G	Accounting Unit — Accounts Payable Section
H	Deputy Public Guardian
I	Case Worker (equivalent to Public Guardian)
J	Deputy Public Guardian
Los Angeles	Both Deputy and Conservator Administrative Assistant (CAA).
L	Deputy Public Guardian
M	Deputy Public Guardian
N	Deputy Public Guardian

Participant	What position or organization is responsible for issuing checks?
A	Auditor/Controller
B	Public Guardian's office — however, require Auditor Controller's approval.
C	Public Guardian staffs an Accounting unit.
D	Public Guardian — two Account Clerks handle all payments. Anything over \$200 requires approval of the Public Guardian or Assistant Chief.
E	Accounting Support Specialist generate the checks and Department Director and/or her designee review and sign.
F	The Public Guardian (Resource Management)
G	Financial Services — Accounting Unit
H	Intermediate Account Clerk (from Accounting Division)
I	Fiscal Assistant within the Public Guardian.
J	Public Guardian
Los Angeles	Public Administrator (Treasurer/Tax Collector)
L	Account Technician
M	The Accounting unit of the PA/PG/PC
N	Public Guardian, Accounting Unit — Acct. Tech. I

5. How many positions in your office are dedicated to Probate Conservatorship processes?	
A	3.5
B	One person, working somewhat more than half-time.
C	One full-time, one split with LPS, one split with Public Administrator.
D	One. Note that Deputies and clerical staff prepare petitions and legal and documentation, which is e-mailed to County Counsel for review and printing.
E	This department has its own in-house legal staff. As such, the Pima County Attorney-Civil Division is only involved in allegation of departmental malfeasance and/or breach of fiduciary duty.
F	Two.
G	Three.
H	One Senior Deputy County Counsel is dedicated to support both the Probate Conservatorship and Administration processes.
I	None. Public Guardian investigates all referrals. If a referral is accepted by the Office, it is returned back to the referring party — the RP is responsible for petitioning the court on behalf of the Public Guardian.
J	Two attorneys share LPS and Probate plus three clerks and one supervisor provide some level of support.
Los Angeles	Four dedicated Attorneys, two paralegals and other support positions.
L	Two.
M	Four attorneys and staff share support of PA/PG/PC, which includes LPS, Probate and Administrator.
N	Three share responsibilities; however equivalent to one whole position. One position in the Public Guardian's office prepares much of the required court documentation.

Participant	Do Probate Investigators also perform case administration duties and responsibilities?
A	Limited to cases in which they are appointed Temporary Conservator of the Person and Estate. Investigative deputies also have a few administrative cases for training purposes.
B	Yes.
C	Yes.
D	Yes. Deputies investigate, prepare legal documentation for review by County Counsel and submittal to courts and handles case management responsibilities.
E	No.
F	No.
G	Yes.
H	Yes. Cases are investigated and handled by Deputies is decision is made to petition court.
I	Yes.
J	No.
Los Angeles	No.
L	Yes.
M	Probate investigators perform all duties necessary for cases assigned to them until those cases are transferred after permanent appointment to an ongoing Deputy. This includes during a temporary conservatorship and before case transfer.
N	Yes. However, the County is in the process of converting to dedicated units. Also, one of the Deputy Public Guardians handles legal documentation for petitioning.

II. Staff Levels, Position Responsibilities, and Qualifications

A. Please indicate the number of full time equivalent (FTE) staff assigned to the following areas of responsibility. Please list by job title and level. (If available, please forward copies of your job titles or specifications.)

Position Type	A	B	C	D	E	F	G	H	I	J	L.A.*	L	M	N
Executive Manager			0.25	0.5	n/r		n/r	0.33	1	1	n/r	n/r		
Division Head/Chief		1	0.5		n/r		n/r				n/r	n/r		1
Assistant Division Chief		1	1	1	n/r		n/r			1.5	n/r	n/r		1
Supervisor	1	1	2		n/r	1	n/r	1			n/r	n/r	1	
Senior Deputy	3				n/r	1	n/r			8	n/r	n/r		
Deputy II	6	2	7	3	n/r	3	n/r	6	3		n/r	n/r	6	1
Deputy I		1			n/r		n/r				n/r	n/r		8
Administrative Assistant			2		n/r		n/r		1		n/r	n/r	1	
Secretary			1		n/r		n/r		1		n/r	n/r		1
Clerical	5	6	4	2	n/r	5	n/r	0.5	1	6	n/r	n/r	5	7
Technical expert					n/r		n/r				n/r	n/r		
Other:	3		1						3				6	

* The Los Angeles Office of the Public Guardian did not complete this section of the survey.

B. Please describe the educational requirements (Required or Preferred) and training (Formal or Informal) for deputies working on investigations or case administration.

Participant	Education				Training							
	H.S. Diploma	B/A Any Major	B/A Social Work/ Psych	M.A. Any Discipline	M.A. Social Work/ Psych	Investigations	Case Admin	Benefits Appl	Culture/ Diversity	Dealing with Difficult People	Stress Mgmt	Other
A	✓ (R)		✓ (P)			✓ (F)	✓ (F)	✓ (F)	✓ (F)	✓ (F)	✓ (F)	
B	✓ (R)	✓ (P)				✓ (I)	✓ (I)	✓ (I)	✓ (I)	✓ (I)	✓ (I)	
C	✓ (R)		✓ (R)		✓ (P)	✓ (I)	✓ (I)	✓ (I)	✓ (F)	✓ (F)	✓ (F)	
D	✓ (R)	✓ (P)				✓ (I)	✓ (I)	✓ (I)		✓ (I)	✓ (I)	
E	✓ (R)				✓ (R)	✓ (I)	✓ (I)	✓ (I)			✓ (F)	
F	✓ (R)	✓ (P)				✓ (I)	✓ (I)	✓ (I)	✓ (I)	✓ (I)	✓ (I)	
G	✓ (R)	✓ (P)				✓ (F)	✓ (F)	✓ (F)	✓ (F)	✓ (F)	✓ (F)	
H	✓ (R)	✓ (R)				✓ (I)	✓ (I)	✓ (I)	✓ (F)	✓ (I)	✓ (I)	
I	✓ (R)		✓ (R)		✓ (R)	✓ (I)	✓ (I)	✓ (I)				
J	✓ (R)	✓ (R)				✓ (I)	✓ (I)	✓ (I)	✓ (F)	✓ (I)	✓ (F)	✓ (F)
L	✓ (R)		✓ (P)			✓ (I)	✓ (I)	✓ (I)	✓ (F)	✓ (F)	✓ (F)	
Los Angeles	✓ (R)	✓ (P)		✓ (P)		✓ (I)	✓ (I)	✓ (I)	✓ (F)	✓ (I)	✓ (I)	
M	✓ (R)	✓ (R)		✓ (P)		✓ (I)	✓ (I)	✓ (I)	✓ (F)	✓ (F)	✓ (F)	✓ (F)
N	✓ (R)	✓ (R)				✓ (I)	✓ (I)	✓ (I)	✓ (F)	✓ (F)	✓ (F)	

R= Required, P = Preferred

F = Formal Training, I = Informal Training

III. Probate Conservatorship Operations

A. Please provide the following workload indicators for your Probate Conservatorship function.

	Question	A	B	C	D	E	F	G	H
1	Total number of active cases (current – at time of survey completion).	170	275 75 RP's	333	70 250 RP's	360	100	556	260
2	Total number of backlog cases (current – at time of survey completion).	0	0	0	0	0	0	0	
3	Total number of appointed cases in 2003-2004	43	34	41	4	70	12	65	29
4	Total number of terminated cases 2003-2004.	189	Unk.	?		24		unknn	
5	Total number of referrals in 2003-2004.	176	250	80	40	637	77	141	110
6	Number of cases per investigator (per week, month, year) (new cases, they keep until Perm)	varies	7/mo.	1/mo		5/wk	2/mo	50	3-4/mo
7	Number of appointed cases per case administrator (per week, month, year)	varies			25 85 RP's	3-5/wk	6/yr	1/mo	45
8	We do not track time before "decision" . this number is the average number of days between referral and change in actual status (i.e. appointment, denial or closure)	Avg. 3-4 weeks	Avg. 1-3 weeks	20 days assg to deci.			1-2 mo. Avg.	7 days	30-60
9	Average annual cost per investigation	unknown		unknown					
10	Average annual cost per appointed case	unknown		unknown					
11	Average annual number of personal visits per conservatee	1/mo.	4/yr.	15-20 1 st yr. 1-5 follow		3-5	4	3-4/yr	4-12
12	Number of referrals by source in 2003-2004:								
a.	Acute care hospitals	36		25%		120	8		20
b.	Skilled nursing facilities			35%		30	21		25
c.	Residential (board and care) facilities	17					2		5
d.	Adult Protective Services	82		40%		92	22		40
e.	Law Enforcement	2				9			5
f.	Other City or County agency	29				141	3		5
g.	Concerned landlord, neighbor, or friend	9				218	1		5
h.	Relative						3		
i.	Other (Attorney, Court, Doctor, VA, Reporter)						17		

A. Please provide the following workload indicators for your Probate Conservatorship function (continued)

	Question	J	U	A	L	M	N
1	Total number of active cases (current – at time of survey completion).	150	240	503	65	158	93
2	Total number of backlog cases (current – at time of survey completion).	0	0	50	0	0	0
3	Total number of appointed cases in 2003-2004	36	56	122	10	14	
4	Total number of terminated cases 2003-2004.	unknown	51	Unk.	2	36	
5	Total number of referrals in 2003-2004.	180	306	802	52	55	
6	Number of cases per investigator (per week, month, year) (new cases, they keep until Perm)	4-5/wk	2/wk	10	4.33	1/5/55	
7	Number of appointed cases per case administrator (per week, month, year)	1/wk	2/wk	10	3.3	35	unknown
8	We do not track time before "decision". this number is the average number of days between referral and change in actual status (i.e. appointment, denial or closure)	N/a	15-60 avg. 30	45	14	46.18	unknown
9	Average annual cost per investigation					N/A	
10	Average annual cost per appointed case					N/A	
11	Average annual number of personal visits per conservatee	4/year 1/mo for interns	4/yr. 1/mo in home		4	4.19	No. req. Case mg. 1/mo.
12	Number of referrals by source in 2003-2004:				52		No data
a.	Acute care hospitals	✓	15%		10	4	2nd
b.	Skilled nursing facilities	✓	above		1	3	4th
c.	Residential (board and care) facilities					0	
d.	Adult Protective Services		79		26	21	1st
e.	Law Enforcement					0	
f.	Other City or County agency				11	20	3rd
g.	Concerned landlord, neighbor, or friend	✓			1	5	
h.	Relative				2	2	
i.	Other (Attorney, Court, Doctor, VA, Reporter)		34				

B. Please describe any other Probate Conservatorship workload indicators or standards you may have.

Participant	Additional Workload Indicators for Probate Conservatorship
A	<ol style="list-style-type: none"> 1. Difficulty of cases may determine assignment. 2. Three investigators are dedicated to APS referrals 3. One investigator handles all community referrals 4. Court order investigators handled by one Senior Deputy.
B	75 Representative Payee clients.
C	Not Reported
D	Deputies handle about 250 representative payee cases — including all bill paying — and prepare petitions for court appointment. Also, Deputies handle about 80 decedent/burial/administration, 20 decedent/ tax defaulted/ administration, and 60 representative payee.
E	Not Reported
F	Not Reported
G	<ol style="list-style-type: none"> 1. Conduct initial investigations within 7 days. 2. Require face to face contacts (90-120 days) dependent upon degree of risk 3. Meet court standards; Court inventories 90 days; Accounting (annually & bi-annually).
H	Not Reported
I	Maximum cases is 40 per caseworker (120) total and 10 for each intern (30 total).
J	Not Reported
Los Angeles	Not Reported
L	Not Reported
M	Caseload equity is reviewed by Operations Committee Quarterly
N	Handle own legal. Handle property in-house.

C. Do your employees provide transportation services for conservatees (e.g., to court or other location)?

Participant	Yes	No	No. Please list who provides transportation services.
A	✓		We try to utilize facility staff, Regional Center staff and family.
B		✓	Occasionally. However, contract providers, mental health, family.
C		✓	Contract with stand alone, community-based provider.
D		✓	Occasionally, on a case-by-case basis. If the client has funds, a transport is hired.
E		✓	
F		✓	Rarely. Facilities, Family, friends, medi-vans.
G		✓	AMR Transportation Service Contract.
H		✓	
I			Not Reported
J	✓		Nurse and deputy.
Los Angeles	✓		Transportation unit — staffed with 5 positions. Includes 3 vans. Probate transportation typically on Friday.
L	✓		
M		✓	Deputes occasionally, Mental Health and Rx Staffing (contract agency).
N		✓	

IV. Referral Process and Criteria

B. Please select the three most important (✓) criteria for probate conservatorship referrals.

Participant	Lack of Shelter	Unable to Obtain Clothing	Dementia	Subject To/Fraud/Influence	Actual/Potential Abuse or Victim	Chronic Health Problems	Indigent	Age	Lack of Family Or Care-giver	Inability to Provide for Physical/ Needs
A				✓	✓				✓	
B				✓	✓				✓	
C			✓		✓				✓	
D			✓						✓	✓
E				✓	✓				✓	
F			✓	✓	✓					
G			✓	✓	✓					
H	✓			✓	✓					
I										
J			✓	✓	✓					
Los Angeles				✓	✓					✓
L			✓		✓	✓				
M	✓			✓					✓	
N				✓	✓				✓	

Other for Los Angeles is "Inability to provide for physical and basic needs."

D. Please indicate the reason why an investigated referral is not petitioned for appointment:

Participant	Does Not Meet Criteria		Death		Other Alternative	
	Number	%	Number	%	Number	%
A		13%		1%		86%
B						
C	20		9		10	
D						
E		75%		< 1%		25%
F	8	14%	9	16%	40	70%
G	46	60%	3	4%	27	36%
H		20%		5%		75%
I						
J		65%		5%		30%
Los Angeles						
L	27	84%			5	16%
M	21	57%	1	3%	15	40%
N						

H. At what point in an investigation do your employees evaluate the physical and financial assets of a potential conservatee?

Participant	Initial Review During Investigation			Decision to Petition Temporary Conservatorship Pending			Petition for Appointment Conservatorship Granted		
	Physical	Financial	Both	Physical	Financial	Both	Physical	Financial	Both
A			✓			✓			✓
B									
C			✓			✓			✓
D									
E			✓						
F			✓						
G			✓			✓			✓
H			✓						✓
I			✓						✓
J			✓			✓			✓
L			✓						
Los Angeles									
M			✓						✓
N			✓						✓

V. Financial Information

Revenue Type	Funds					
	A	B	C	D	E	F
Estate Fees	\$ 215,538	\$ 478,933	\$ 88,000	\$ 700,000	\$ 384,207	\$ 50,000
County General Fund	\$ 787,348	\$ 1,952,409	\$ 108,000	\$ 1,250,000	\$ 404,343	\$ 131,750
Targeted Case Management	\$ 78,048		\$ 75,000	\$ 1,020,000		
Other	\$ 18,404	\$ 54,530				
Total	\$ 1,099,338	\$ 2,485,872	\$ 271,000	\$ 2,970,000	\$ 788,550	\$ 181,750

VI. Technology

How does your agency use available technology to expedite probate conservatorship activities?

Function	PC	Computer Network System	Internet	Email	Telephone	FAX	Manual
Participant A							
1. Referrals investigations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Case administration	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. External communication	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4. Medi-Cal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5. Social Security	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
6. Veterans Administration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
7. Benefits Applications forms	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
8. Adult Protective Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
9. Completion of Benefits Applications forms	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
10. Check requests	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Participant C							
1. Referrals investigations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Case administration	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. External communication	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Medi-Cal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Social Security	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Veterans Administration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Benefits Applications forms	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Adult Protective Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Completion of Benefits Applications forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Check requests	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Function	PC	Computer Network System	Internet	Email	Telephone	FAX	Manual
1. Referrals investigations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Case administration	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. External communication	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Medi-Cal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Social Security	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
6. Veterans Administration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
7. Benefits Applications forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
8. Adult Protective Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
9. Completion of Benefits Applications forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Check requests	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1. Referrals investigations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Case administration	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. External communication	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4. Medi-Cal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5. Social Security	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
6. Veterans Administration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
7. Benefits Applications forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Adult Protective Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Completion of Benefits Applications forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Check requests	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1. Referrals investigations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Case administration	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. External communication	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Function	PC	Computer Network System	Internet	Email	Telephone	FAX	Manual
4. Medi-Cal	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5. Social Security	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
6. Veterans Administration	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
7. Benefits Applications forms	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
8. Adult Protective Services	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
9. Completion of Benefits Applications forms	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
10. Check requests	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
11. Other	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Participant H							
1. Referrals investigations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Case administration	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. External communication	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Medi-Cal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5. Social Security	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Veterans Administration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Benefits Applications forms	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Adult Protective Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Completion of Benefits Applications forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Check requests	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Participant J							
1. Referrals investigations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Case administration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. External communication	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4. Medi-Cal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5. Social Security	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
6. Veterans Administration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Function	PC	Computer Network System	Internet	Email	Telephone	FAX	Manual
7. Benefits Applications forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
8. Adult Protective Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
9. Completion of Benefits Applications forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
10. Check requests	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Participating							
1. Referrals investigations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Case administration	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. External communication	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Medi-Cal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5. Social Security	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Veterans Administration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Benefits Applications forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
8. Adult Protective Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Completion of Benefits Applications forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Check requests	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**County of Los Angeles
Office of the Public Guardian
Benchmark Survey of Probate Conservatorship Organization and Functions**

Thank you for taking the time to complete this confidential benchmarking survey. Please return it at your earliest convenience to:

Via mail to

Matt Dhillon
blueCONSULTING, INC.
Attn: Benchmark Survey
515 W. Commonwealth, Suite 214
Fullerton, CA 92832
714 525-2088

Via fax to

714 525-2068

Note: If you return the survey by fax, please indicate your County name in the space indicated at the bottom of each page.

Noté: We may have discussed some of these questions during our telephone interview. Just indicate n/a for those we have discussed or when the information is not available.

Survey Time Frame

We are interested in information for your last fiscal year (2003-2004), or last calendar year, 2004.

Fiscal Year (2003-2004) ☐ Calendar Year (2004) ☐

Sharing of Results

Once we have completed the survey, each participant will receive the survey results. Participants will be coded to maintain confidentiality.

Terminology

The County of Los Angeles Public Guardian uses terminology that may differ from that used in your County or agency. For example:

- A Probate Conservator may also be known as the probate guardian or older adult conservator/guardian.
- A Conservatee refers to the individual for whom conservatorship or guardianship has been granted (also called Adult Wards).
- The job title Deputy Probate Conservator may also be called a Deputy Probate Guardian, Investigator, or Case Administrator.

blue
CONSULTING

a clear perspective

Participant: _____

I. Probate Conservatorship Organizational Structure

Background: *In Los Angeles County, the Office of the Public Guardian is a quasi-independent unit within the Department of Mental Health which handles both Probate Conservatorships and LPS (mental health) conservatorships. The Office of the Public Administrator, a unit in the Department of the Treasurer-Tax Collector, handles all banking and court accounting responsibilities through an MOU with the Public Guardian. The Public Guardian is the appointed conservator of the person and estate. County Counsel represents the Public Guardian in all proceedings.*

Please describe the overall structure of these functions in your county:

1. Are Public Administrator/Public Guardian functions handled by the same department?
2. What organization is responsible for Court Accounting?
3. What position prepares check requests to pay conservatee bills for such items as housing, clothing, pharmacy, and medical?
4. What position or organization is responsible for issuing checks?
5. How many positions in your County Counsel's office are dedicated to or support the Probate Conservatorship process?
6. Do probate investigators also perform case administration duties and responsibilities?

blue

ensuring a clear perspective

Participant: _____

II. Staff Levels, Position Responsibilities, and Qualifications

A. Please indicate the number of full time equivalent (FTE) staff assigned to the following areas of responsibility. Please list by job title and level. (If available, please forward copies of your job titles or specifications.)

Number of FTE by Position Assigned to Probate Conservatorship Functions		Referral Screening	Investigations	Case Administration	Closing Appointed Cases	Benefits Applications	Check Request
L.A. Public Guardian Probate Conservatorship Job Title		Your County/Agency Job Title					
1. Executive Manager/Agency Head*							
2. Division Head/Chief*							
3. Assistant Division Chief*							
4. Supervisor							
5. Senior Deputy							
6. Deputy II							
7. Deputy I							
8. Administrative Assistant							
9. Secretary							
10. Clerical							
11. Technical expert (e.g., nurse, clinical, social worker)*							
12. Other:							

* These positions may have additional responsibilities and not be dedicated 100% to probate conservatorship functions.

B. Please describe the educational requirements and training for deputies working on investigations or case administration.

Education	Required	Preferred
High School Diploma	<input type="checkbox"/>	<input type="checkbox"/>
Bachelor Degree	<input type="checkbox"/>	<input type="checkbox"/>
-Any major	<input type="checkbox"/>	<input type="checkbox"/>
-Social work, psychology	<input type="checkbox"/>	<input type="checkbox"/>
Master Degree	<input type="checkbox"/>	<input type="checkbox"/>
-Any specialization	<input type="checkbox"/>	<input type="checkbox"/>
-Social work, psychology	<input type="checkbox"/>	<input type="checkbox"/>
Certifications:	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

Training	Formal (Provided by County)	Informal (On-the-Job)
Investigations	<input type="checkbox"/>	<input type="checkbox"/>
Case administration	<input type="checkbox"/>	<input type="checkbox"/>
Benefits Application processing	<input type="checkbox"/>	<input type="checkbox"/>
Culture/Diversity Training	<input type="checkbox"/>	<input type="checkbox"/>
Dealing with Difficult People	<input type="checkbox"/>	<input type="checkbox"/>
Stress Management	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>

III. Probate Conservatorship Operations

A. Please provide the following workload indicators for your Probate Conservatorship function. Please indicate actual performance and any standards that may apply or which you have developed:

2003-2004 Workload Indicators for Probate Conservatorship		Actual	Standard
1. Total number of active cases (current – at time of survey completion).			
2. Total number of backlog cases (current – at time of survey completion).			
3. Total number of appointed cases in 2003-2004			
4. Total number of terminated cases 2003-2004.			
5. Total number of referrals in 2003-2004.			
6. Number of cases per investigator (per week, month, year)			
7. Number of appointed cases per case administrator (per week, month, year)			
8. Response time (in days) from initial referral to decision to petition for appointment or to close			
9. Average annual cost per investigation			
10. Average annual cost per appointed case			
11. Average annual number of personal visits per conservatee			
12. Number of referrals by source in 2003-2004:			
a. Acute care hospitals			
b. Skilled nursing facilities			
c. Residential (board and care) facilities			
d. Adult Protective Services			
e. Law Enforcement			
f. Other City or County agency			
g. Concerned landlord, neighbor, or friend			
h. Relative			

C. Please describe any other probate conservatorship workload indicators or standards you may have.

2003-2004 Additional Workload Indicators for Probate Conservatorship			Actual	Standard
1.				
2.				
3.				
4.				
5.				

D. Do your employees provide transportation services for conservatees (e.g., to court or other location)? Yes ☐ No ☐

If not, who does provide transportation services? _____

IV. Referral Process and Criteria

A. What is the legal basis or law for establishing probate conservatorships in your county (if outside of California)? (If possible, please attach a copy)

B. Please select the three most important (✓) criteria for probate conservatorship referrals.

Criteria	Criteria
<input type="checkbox"/> 1. Lack of appropriate shelter	<input type="checkbox"/> 6. Chronic health problems
<input type="checkbox"/> 2. Inability to obtain appropriate clothing	<input type="checkbox"/> 7. Indigent
<input type="checkbox"/> 3. Dementia	<input type="checkbox"/> 8. Age
<input type="checkbox"/> 4. Subject to undue influence or fraud	<input type="checkbox"/> 9. Lack of family or other caregiver
<input type="checkbox"/> 5. Actual or potential abuse victim	<input type="checkbox"/> 10. Other

C. What percentage of total referrals does your office petition for appointment?

Appointed vs Closed	Number	Percent
1. Referrals petitioned for appointment		%
2. Referrals closed or rejected		%
Total		100%

D. Please indicate the reason why an investigated referral is not petitioned for appointment:

Reason for Closing/Rejecting	Number	Percent
1. Does not meet criteria		%
2. Death		%
3. Other alternative available		%

E. During the initial investigation, do your employees make field visits to the potential conservatee? Yes ☐ No ☐

F. Is there a minimum estate value to conduct an investigation? Yes ☐ No ☐

G. If yes, what is the minimum value: _____

H. At what point in an investigation do your employees evaluate the physical and financial assets of a potential conservatee?

Asset Evaluation	Physical	Financial	Both
1. Initial review during investigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Decision to petition for appointment, with temporary conservatorship request pending	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Decision to petition for appointment, conservatorship granted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

V. Financial Information

A. Please provide the following financial information regarding probate conservatorship activities. (Note: We understand that it may be difficult to separate probate conservatorship activities from overall department or agency costs – if possible, please indicate an estimated percentage of the total if exact figures are not available.)

	Probate Conservatorship
Revenue Sources	
Estate Fees	\$
Contracts with Referral Sources	\$
County General Fund	\$
Targeted Case Management	\$
Other	\$
Total Revenues	\$
Operating Costs	
Employee payroll/benefits	\$
County Counsel	\$
Banking	\$
Other Accounting	\$
Property Services	\$
Transportation	\$
Total Operating Costs	\$

or

Agency or Department Total	Estimated % for Probate Conservatorship
\$	%
\$	%
\$	%
\$	%
\$	%
\$	%
\$	%
\$	%
\$	%
\$	%
\$	%
\$	%
\$	%
\$	%

C. What was your standard hourly billing rate or fee for probate conservatorship services for 2003-2004? _____

D. If you differentiate by type of service, please indicate below:

Service	2003-2004 Billing Rate	2003-2004 Fee
1. Initial referral screening		
2. Investigation		
3. Case management		
4. Benefits applications		
5. Bill paying		

E. Do your billing rates vary according to the size of the estate? Yes ☐ No ☐

If yes, please explain.

VI. Technology

How does your agency use available technology to expedite probate conservatorship activities? Please check all that apply for the functions listed below.

Function	PC	Computer Network System	Internet	Email	Telephone	FAX	Manual
1. Referrals investigations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Case administration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Communication with hospitals, skilled nursing facilities, or other agency staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Medi-Cal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Social Security	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Veterans Administration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Benefits Applications forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Adult Protective Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Completion of Benefits Applications forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Check requests	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VII. External Relationships

Do you have negotiated relationships or contracts with hospital groups, skilled nursing facilities, or other institutions? (For example, Los Angeles Office of the Public Guardian has the Conservatorship Access Network, a contract that mandates a rapid response to referrals by selected hospitals). If yes, please describe:

* * * * *

Thank you for completing this benchmark survey. Once all of the survey results have been tabulated and presented to the Los Angeles County Public Guardian, blueCONSULTING will send the results to each participant. All responses will be coded to maintain confidentiality.

Appendix D: Sample Websites



Services

Public Guardian/Conservator



[Home](#) | [Mission](#) | [Services](#) | [Links](#) | [Calendar of Events](#) | [Senior Organizations](#)

Public Guardian/Conservator

(209) 722-1738

The Public Guardian/Public Conservator acts on behalf of persons who have been legally declared unable to manage on their own. In addition, the Public Guardian/Conservator manages the conservatees income and resources. The social workers in this program ensure that the health and safety needs of adults are met by effective management of their resources to meet their needs.

[Email the Webmaster](#)

Page last updated on September 17, 2004

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QuickSearch

GO

Tuesday, April 5, 2005

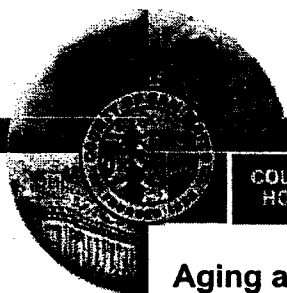
ADVANCED SEARCH SEARCH RESULTS

COUNTY
HOMELIVING
HEREDOING
BUSINESS
HEREWORKING
HERE

VISITING

GOVERNMENT

EMERGENCIES



Aging and Adult Services: Protection: Public Guardian

[Printer Friendly View](#)

Health Department

[Aging and Adult Services](#)
[Correctional Health](#)
[Emergency Medical Services](#)
[Environmental Health](#)
[Food and Nutrition Services](#)
[Mental Health](#)
[Public Health](#)
[Newsroom](#)

The Public Guardian/Public Conservatorship program serves frail elderly adults and adults with physical or mental disabilities which result in their being unable to provide for their needs for health care, food, clothing or shelter and/or unable to manage their own finances or resist fraud or undue influence. The Superior Court makes the decision to provide conservatorship for such adults.

Probate Conservatorship

These conservatorships are primarily established for adults who cannot care for themselves or manage their own finances. Probate conservatorships are often used for older adults with severe limitations and for younger people who have serious cognitive impairments.

LPS Conservatorship

This type of conservatorship is named for the three Assemblymen who sponsored the original bill - Lanterman, Petris and Short. LPS conservatorships are established to arrange mental health treatment and placement for people who are unable to provide for their food, clothing, shelter, and treatment needs, as a result of a mental disorder.

Establishing a Conservatorship

Referrals for the two types of conservatorships come through different parts of the healthcare system. If a person needs LPS conservatorship, the treating psychiatrist makes a referral to an investigator in Mental Health Services. If a person needs Probate conservatorship, the referral comes through Aging and Adult Services and the Centralized Intake unit which assigns a deputy public guardian to investigate the need for conservatorship. The investigator presents a petition to the Court recommending the nature of the conservatorship to be established and recommending who should be the conservator. Family members have priority to be named conservator, but if none is willing or appropriate, the Public Guardian is appointed as conservator.

Role of the Public Guardian

The deputy public guardian assigned to the individual arranges for health care, housing, meals, transportation, personal care and recreation. In addition, the deputy public guardian gathers all assets, applies for income, and collects all bills, making decisions on which bills can be paid. The deputy public guardian is responsible to the Superior Court for all actions taken on behalf of the conservatee.

**For information, advice and 24-hour emergency response call the
TIES Line**

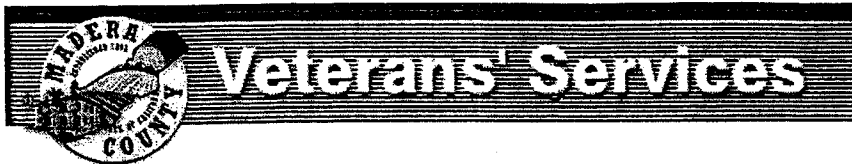
**1-800-675-8437(voice)
1-800-994-6166 (TDD)**

If you have any questions about this site, please contact info@smhealth.org

[COUNTY HOME](#) | [LIVING HERE](#) | [DOING BUSINESS HERE](#) | [WORKING HERE](#) | [VISITING](#) | [GOVERNMENT](#)
[EMERGENCIES](#)

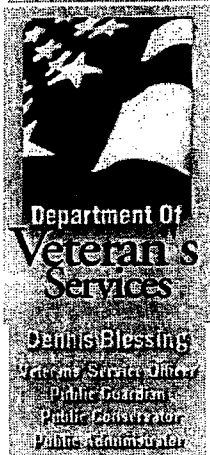
COUNTY DEPARTMENTS: Please Select

[HELP](#) | [CONTACT US](#) | [SEARCH](#) | [PRIVACY STATEMENT](#) | [CONDITIONS OF USE](#) | [COPYRIGHT](#) | [CITY SITES](#) | [SCHOOL DISTRICTS](#) | [STATE OF CALIFORNIA WEBSITE](#)

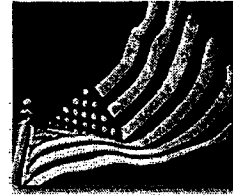


[Supervisors](#) | [History](#) | [Fast Facts](#) | [County Departments:](#)

Tuesday, April 05, 2005



Welcome To The
Department of
Veterans' Services



Madera County Public Guardian

Information About the Office

The office of Madera County Public Guardian is authorized by California Statute. In Madera County the Public Guardian also serves as Public Administrator, but the functions of the Public Administrator are separate and apart from the conservatorship function.

The primary mission of the public Guardian is to protect individuals and estates from abuse within the authorization of California law.

[Department Overview](#)

[Veterans' License Plates](#)

[Frequently Asked Questions](#)

[Public Guardian](#)

[Cities of the County](#)

A variety of web sites are available about Madera County, included are cities, business and other resources...

[City of Chowchilla](#)

[City of Madera](#) [Oakhurst Area](#)

[Facts about the County](#)

Looking for some facts on Madera County ... crops, population, growth?
[It's all here!](#)

About the Public Guardian

The Public Guardian provides a vital service to persons unable to properly care for themselves or who are unable to manage their finances. The service is provided through a legal process known as conservatorship.



Initially, the primary responsibility was for the finances of persons civilly committed to psychiatric facilities. As society evolved and laws changed to meet new social challenges, the role of the Public Guardian broadened to

include more responsibility for the care of the individual. The landmark LPS Act of 1969 and subsequent changes to the Probate Code meant that the Public Guardian became the substitute decision maker for vulnerable populations of the county with grave mental disabilities.

About Conservatorship

Conservatorship is a serious matter. It requires a court hearing with all interested parties present. If the conservatorship is established, the individual or conservatee loses many civil rights most of us take for granted. He or she may lose the right to decide where they'll live or what medical treatment to accept or refuse. They may lose the right to control their assets or manage their income. The conservator, by assuming the

responsibility for these matters, becomes legally accountable to the court.

What Does a Public Guardian or Public Conservator Do?

The public Guardian or Public Conservator (PG/PC) conducts the official County investigation into conservatorship matters. The PG/PC also acts as the legally appointed guardian or conservator of persons found by the Superior Courts to be unable to properly care for themselves or their finances or who are unable to resist undue influence or fraud. Such persons usually suffer from severe mental illness or are older, frail and vulnerable adults.

What Are the Primary Duties of a Guardian/Conservator?

The court can appoint a conservator of the person only or both person and estate. The following is a brief summary of a conservator's duties.

Conservatorship of the Person:

The conservator arranges for the client's care and protection, determines where he or she will live and makes appropriate arrangements for health care, housekeeping, transportation, and personal needs.

Conservatorship of the Estate:

The conservator manages the client's finances, locates and takes control of the assets, collects income due, pays bills, invests the client's money, and protects the assets.

LPS Conservatorship

Legal Basis: According to the Welfare and Institutions Code, a conservator may be appointed for a person who is "gravely disabled" meaning that, as a result of a mental disorder, the person is unable to provide for food, clothing or shelter. Certain criminal defendants incompetent to stand trial may also meet the criteria.

Purpose: To provide for individualized treatment, supervision, and placement of the conservatee and to manage their financial resources.

How Is It Started? Only designated mental health treatment facilities, agencies or the courts can make a referral to the Public Guardian for LPS. Only the Public Guardian can petition the court for the initial appointment as conservator.

How Long Does It Take? LPS matters are set for hearing and decided in less than 30 days.

Who Is Appointed Conservator? The Public Guardian, a relative or interested party may be appointed. However, Public Guardian investigates all such referrals and submits recommendations to the court.

Duration: LPS automatically terminates after one year but may be renewed annually at a court hearing.

Persons/Ages Served: Persons of all ages, including children and older adults, may qualify for LPS if they meet the legal criteria described above.

Medical Treatment: The court usually authorizes mental health treatment only, including psychotropic drugs, even when against the will of the individual.

Living Arrangements/Placement: The conservator usually is authorized to place the conservatee anywhere in California, including locked mental health facilities, if consistent with the treatment plan.

Probate Conservatorship

Legal Basis: According to the Probate Code, a conservator may be appointed "for a person who is unable to provide properly for his or her personal needs for physical health, food, clothing or shelter" or for persons "substantially unable" to manage their financial resources "or resist fraud or undue influence."

Purpose: To protect and arrange care for the conservatee, to protect their rights and manage their financial resources.

How Long Does It Take? Probate matters can take a month or much longer to decide.

Who Is Appointed Conservator? The Public Guardian is appointed on petitions it files. Probate conservatorship petitions may be filed by private individuals or by agencies on their own behalf.

Duration: Probate is indefinite but conservatee or conservator may petition the court for termination at any time.

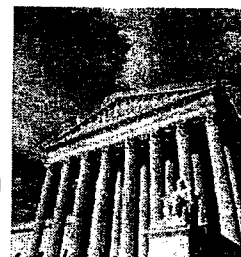
Persons/Ages Served: Probate conservatorship is restricted to adults, age 18 and older who meet the legal basis described above. (Guardianship is available for minors.)

Medical Treatment: The court often grants to the conservator the exclusive authority to make most medical decisions, such as surgeries, but not involuntary mental health treatment decisions.

Living Arrangements/Placement: The conservator is usually authorized to place the conservatee anywhere in California consistent with treatment needs, except in a mental health treatment facility.

Public Administrator

The Madera County Public Administrator handles the administration of estates of persons who die in our community when no other person or family is willing or appropriate to administer their estates. The services include searching for family, making burial arrangements, identifying assets,



paying creditors of the estate, paying the expenses of administration and distribution of the balance of the estate to the decedent's heirs or beneficiaries. If a decedent has left a will, the Public Administrator may also be appointed for the named Executor where the designated Executor is unwilling or unable to serve.

Referrals to the Public Administrator may be made by governmental agencies, creditors of the estate, the Probate Court, nominations by family members, or others who are unable to act in this capacity.

What Does a Public Administrator Do?

The Public Administrator (PA) investigates and may administer the estates of persons who die with no will or without an appropriate person willing or able to act as administrator.

What Are the Primary Duties of the Public Administrator?

The Public Administrator has the same duties and functions as private administrators. They are to:

- Protect the decedent's property from waste, loss or theft.
- Make appropriate burial arrangements.
- Conduct thorough investigations to discover all assets.
- Ensure that the estate is administered according to the decedent's wishes.
- Pay decedent's bills and taxes.
- Locate persons entitled to inherit from the estate and ensure that these individuals receive their inheritance.

Planning Ahead/Alternatives to Conservatorship

While no amount of planning can anticipate all the consequences of a serious disability, planning ahead can reduce the disruption in people's lives and that of their loved ones. In some situations, a durable power of attorney, an advance directive or a living trust may be sufficient. In other situations, the legal intervention and protection provided by conservatorship may be necessary. Conservatorship offers the highest degree of safety and security to the individual because of the court's oversight.

In all matters as important as disability and its effect on medical decisions and finances, planning ahead is critical. Consumers should become informed of their options, consult with qualified professionals and regularly review their plans, updating them as necessary.

Elder Abuse

Abuse of elders and dependent adults is a crime. Abuse can take many forms, including physical and financial abuse or neglect. Suspected abuse should be reported to the local police and Adult Protective Services, the county agency responsible for investigating reports of abuse. Even when abuse cannot be substantiated as a crime, intervention may be necessary. The Public Guardian, using the civil process of conservatorship, may

be able to prevent further abuse by taking steps, for example,
to secure medical treatment or freeze assets.

Contact Information

Public Guardian

(559) 675-7766

Fax (559) 675-7911

Mental Health Services

(559) 673-3508

(M/H Services - 24 hrs a day, 7 days a week)

Adult Protective Services

(559) 662-8364

(Elder and adult abuse; self neglect)

Contacting Us • Madera County Public Guardian

321 W. Yosemite Avenue Suite 101

Madera, CA 93637

Telephone (559) 675-7766

TeleFax (559) 675-7911

publicguardian@madera-county.com



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93637
USA

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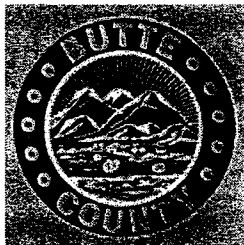
Tuesday, April 5, 2005



Department of Employment and Social Services



Butte County DESS

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Senior and Adult Services

Provides assistance to elderly and dependent adults who are victims of abuse, neglect, or exploitation, and helps pay for services provided to disabled adults and children so that they can remain safely in their own home. The Public Guardian acts as a court appointed Conservator who can legally make decisions on behalf of persons who are unable to make their own decisions. The Public Administrator safeguards the property of a deceased person.

Senior and Adult Services

Some of the Services and Programs we provide are:

- **Adult Protective Services**

Adult Protective Services provides investigation and intervention for those adults hurt by abuse, neglect and exploitation. Referrals of possible abuse can be made by anyone with knowledge of the abuse by calling the **24-hour response line: 1-800-664-9774**. Visit the California Official Website for further information on this program.

- **In-Home Supportive Services (IHSS)**

The program provides physical support to eligible aged, blind or disabled adults and children who would not otherwise be able to safely remain in their homes. If you or someone you know would like to apply or learn more about this program, call (530) 538-7538. Visit the California Official Website for further information on this program.

- **Adult Services Partnerships**

Adult Services Program strives to participate in community efforts to address the comprehensive needs of the elderly in our community.

- **Public Guardian**

The Public Guardian acts as conservator for those County residents the Butte County Superior Court determines to be unable to properly provide for themselves or their finances. California Law provides for two types of conservatorships. The first is a Probate Conservatorship of the person and/or estate for those found unable to provide for food clothing and shelter because of physical disorder. The second is an LPS Conservatorship, short for Lanterman-Petris-Short, for those unable to provide food clothing and shelter for themselves because of a mental disorder.

When there is a need for a conservator, the Public Guardian is the last resort and only becomes involved when there are no family members or others willing and/or able to become the conservator. When appointed the conservator, the Public Guardian becomes responsible for all of the activities of that person's life, including where he or she lives, how his or her money is spent, taking care of real/personal property. It also includes what activities that person may engage as well as medical decisions when

needed.

To contact the Public Guardian's office, call 530-538-7251

- **Public Administrator**

The Public Administrator is responsible for administering the estates of those who die in Butte County who: 1) are residents of Butte County; 2) are without relatives in California; 3) with or without a will; 4) when the family is unable/unwilling to act as administrator; or 5) when appointed by the Court. The duties of the Public Administrator include protecting a decedent's property from waste, loss or theft, making appropriate arrangements for burial; investigating to discover all of the decedents assets; locating those entitled to inherit from the estate and paying the decedents bills.

The Public Administrator also handles the County's burial/cremation services for indigent decedents who are residents of Butte County at the time of death.

To contact the Public Administrator's office, call 530-538-7251

Directions:

Senior and Adult Services is located at the Community Employment Center in Oroville. [Click here for directions to the Senior and Adult Services Office.](#)



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Mission Statement

The mission statement of the Solano County Public Guardian's office is to provide personal and financial services to individuals who are not capable of managing their own affairs. Services are typically ongoing and include investigations, managing income and property, authorization of treatment as mandated by the applicable law, code or regulation, and applying for benefits on behalf of the clients. More than 400 individuals receive assistance from the Public Guardian's office every year.

Department Description and Functionality

The Public Guardian provides a vital service to persons unable to properly care for themselves or who are unable to manage their finances. The service is provided through a legal process known as conservatorship. Los Angeles was the first county in the state to establish this process in 1945. Initially, the primary responsibility was for the finances of persons civilly committed to psychiatric facilities. As society evolved and the laws changed to meet new social challenges, the role of the Public Guardian broadened to include more responsibility for the care of the individual. The landmark Lanterman-Petris-Short (LPS) Act of 1969 and subsequent changes to the Probate Code meant the Public Guardian became the substitute decision maker for vulnerable populations of the county, such as the frail elderly and persons with serious mental illness.

- Conservatorships
- Representative Payee Program
- Veterans Fiduciary Services

"Government is instituted no less for protection of

**Alcohol/Substance
Abuse
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Mental Health
Public Health
Veterans
Seniors**

property, than of the persons of individuals." James
Madison, 1788

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Representative Payee Services

The responsibilities of representative payees are contained within the Social Security Act and the Code of Federal Regulations. Representative payees are required by law to use benefits properly. The first priority is to make sure the beneficiary's current needs are being met. This includes food, clothing, shelter, medical care, and other items for the individual's personal comfort. Representative payees are responsible for providing Accountings to Social Security Administration that summarizes where monies have been spent.

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What is the purpose of a LPS Conservatorship?

To provide for individualized treatment, supervision, and placement of the conservatee and to manage their financial resources.

How is a LPS Conservatorship started?

Only designated mental health treatment facilities or the courts can make a referral to the Public Guardian for LPS. Only the Public Guardian can petition the court for the initial appointment as conservator.

Who is appointed as a LPS Conservator?

The Public Guardian, a relative or interested party may be appointed. However, Public Guardian Investigates all such referrals and submits recommendations to the court.

How long does it take to establish a LPS Conservatorship?

LPS matters are set for hearing and generally decided in less than 30 days.

What is the duration of a LPS Conservatorship?

LPS automatically terminates after one year but may be renewed annually at a court hearing.

What ages are served by a LPS Conservatorship?

Persons of all ages, including children and older adults, may qualify for LPS if they meet the legal criteria described above.

What about medical treatment for a person cared for by a LPS Conservatorship?

The court usually authorizes mental health treatment only, including psychotropic drugs, even when against the will of the individual.

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What types of living arrangements are involved with an LPS Conservatorship?

The conservator usually is authorized to place the conservatee anywhere in California, including locked mental health facilities, if consistent with the treatment plan.

When would a Probate Conservatorship be necessary?

According to the Probate Code, a conservator may be appointed "for a person who is unable to provide properly for his or her personal needs for physical health, food, clothing or shelter" or for persons "substantially unable" to manage their financial resources "or resist fraud or undue influence."

What is the purpose of a Probate Conservatorship?

To protect and arrange care for the conservatee, to protect their rights and manage their financial resources.

How is a Probate Conservatorship started?

Adult Protective Services can make a probate referral to the Public Guardian. Likewise, any interested party can petition the court to become the conservator. Before doing so, however, family members should consult with an attorney.

How long does it take to establish a Probate Conservatorship?

Probate matters can take a month or much longer to decide.

In Probate cases, who is appointed Conservator?

The Public Guardian is appointed on petitions it files. Probate conservatorship petitions may be filed by private individuals or by agencies on their own behalf.

What is the duration of a Probate Conservatorship?

Probate is indefinite but the conservatee or conservator may petition the court for termination at any time.

What ages are served by a Probate Conservatorship?

Probate conservatorship is restricted to adults, age 18 and older that meets the legal basis described above. (Guardianship is available for minors.)

How is medical treatment authorized during a Probate Conservatorship?

The court often grants to the conservator the exclusive authority to make most medical decisions, such as surgeries, but not involuntary mental health treatment decisions.

How are living arrangements decided during a Probate Conservatorship?

The conservator is usually authorized to place the conservatee anywhere in California consistent with treatment needs, except in a Mental health facility.

What is elder abuse?

Abuse of elders and dependent adults is a crime. Abuse can take many forms, including physical and financial abuse or neglect.

What do I do if I suspect elder abuse?

Suspected abuse should be reported to the local police or Adult Protective Services the county agency responsible for investigating reports of abuse. During regular office hours (707) 784-8259 or after hours at (800) 850-0012. Even when abuse cannot be substantiated as a crime, intervention may be necessary. The Public Guardian, using the civil process of conservatorship, may be able to prevent further abuse by taking steps, for example, to secure medical treatment or freeze assets.

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Public Guardian

Mission Statement:

The mission of the Public Guardian is to safeguard the lives and property of conservatees who cannot care for themselves, with the least possible restriction of their personal liberties.

The main responsibility of the conservator of the person, whether private or public, is to provide each conservatee with the best and most independent living environment possible, within their abilities and resources. The conservator assures that all personal care, medical care and services needed to maintain a safe and comfortable living environment are provided for the conservatee.

There are several types of conservatorships. For each of these a conservator can be appointed for the person, for the estate, or for both.

Probate conservatorships are named for the laws found in the California Probate Code. Most California conservatorships are probate conservatorships. A probate conservatorship may be a general or a limited conservatorship, and it may be necessary to set up a temporary conservatorship until a permanent conservator can be appointed.

General conservatorships are set up for adults who can't handle their own finances or care for themselves. These conservatees are often older people with limitations caused by aging, but they also may be younger people who have been seriously impaired (e.g. as a result of injuries received from a car accident).

Temporary Conservatorships may be set up when a person needs immediate help. A Judge may appoint a temporary conservator of the person or of the estate, or both, for a specific period until a permanent conservator can be appointed. A temporary conservator arranges for temporary care, protection, and support of the conservatee, and protects the conservatee's property from loss or damage.

Lanterman-Petris-Short (LPS) Conservatorships may be set up to arrange placement and mental health treatment for people who are unable to provide for their food, clothing, or shelter as a result of a mental disorder or chronic alcoholism. An LPS conservatorship is used only when the person needs mental health treatment, but can't or won't accept it voluntarily.

Related Links:

+ [Office of Public Administrator](#)

For More Information Please Contact:

Guardian Conservator
1075 E. Santa Clara Street
San Jose, CA 95116
Phone: (408)534-2500

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Public Guardian

Christina Billeci, Public Guardian/ Conservator
6000 Lindhurst Ave. Suite 700, Marysville, CA 95901
Phone: (530) 741-6306

Mission Statement:

The mission of the Yuba County Public Guardian's office is to provide comprehensive conservatorship services to a diverse elderly and disabled population commensurate to each individual's needs through an integrated system of care and a professional, highly trained staff.

Programs and Services:

The Yuba County Public Guardian/Conservator provides conservatorship administrative services under the jurisdiction of the Superior Court for the elderly and the disabled in the County including the budgeting of funds, the payment of bills, the protection, storage and sale of real and personal property, the supervision of medical care, placement and treatment, and the assurance that the basic provisions of food, clothing, and shelter are met.

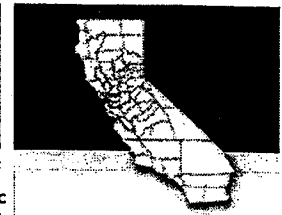
The office consists of two staff members; Christina R. Billeci, Yuba County Public Guardian/Conservator, and Kathy Rogers, an Office Specialist III. There are two types of Conservatorships administered by the office. LPS, which is for the mentally ill, and Probates, for the elderly or disabled.

Lance Nalley assists the office as a Probate Case Manager and also investigates probate conservatorship referrals.

Conservatorships are filed on a referral basis from doctors in the community. Concerned family or friends are able to contact the Public Guardian for information on the process or recommendations to alternative services.

The Public Guardian is unable to act as an attorney for any private party. Forms for filing Probate Conservatorships are available from the Superior Court Clerks at 215 5th Street, 1st Floor, Marysville, CA 95901.

Public Guardian • 6000 Lindhurst Ave. Suite 700 Marysville, CA 95901 • (530) 741-6306

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County Offices: Public Guardian-Conservator-Administrator

The Public Guardian-Conservator-Administrator provides mandated conservatorship and estate administration services as specified by the Probate Code and Welfare and Institution's Code. The organization of these services varies among counties. The Public Guardian, Public Conservator, and/or Public Administrator is personally responsible for these functions, which are delegated within the department.

The services of the Public Guardian may be provided through a separate county department, an elected official, or incorporated into a larger department such as health or human services. Public Conservator services are oftentimes provided by the Public Guardian, but the responsibilities may be shared with mental health departments. The Public Administrator may be an elected official, a separate department, or housed within another county department such as sheriff-coroner, treasurer, or public guardian-conservator.

Office Responsibilities

The Public Guardian-Conservator serves as conservator of a person and/or estate of individuals needing protective intervention. The two types of conservatorship, Lanterman-Petris-Short (LPS) and probate, can only be established by order of the superior court. As probate conservator, Public Guardians are involved in all aspects of their clients' lives, including financial management, housing, medical care, placement, and advocacy. As LPS conservator, Public Conservators are responsible for directing the mental health treatment and placement of their clients. Referrals for probate conservatorship usually come from another community agency, institution, or physician. Referrals for LPS conservatorship can only come from a psychiatrist who is affiliated with a Short-Doyle hospital.

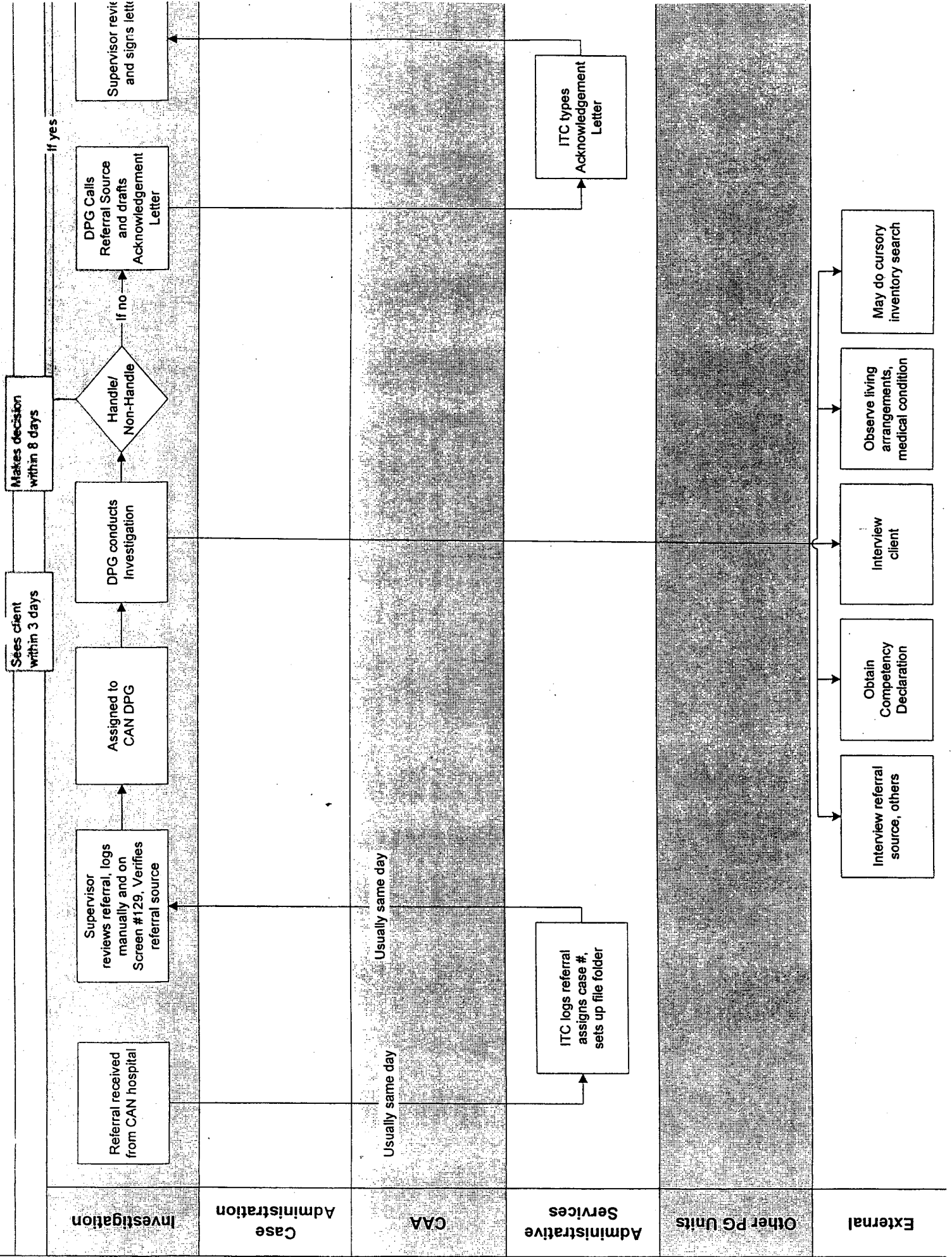
The Public Administrator is responsible for administering the estate of a county resident who dies without a will or family in California. Estate administration may include marshaling all assets, selling real or personal property, performing heir searches, and overseeing the distribution of the estate. The activities are supervised by the superior court. The Public Administrator may also supervise the county's indigent burial program.

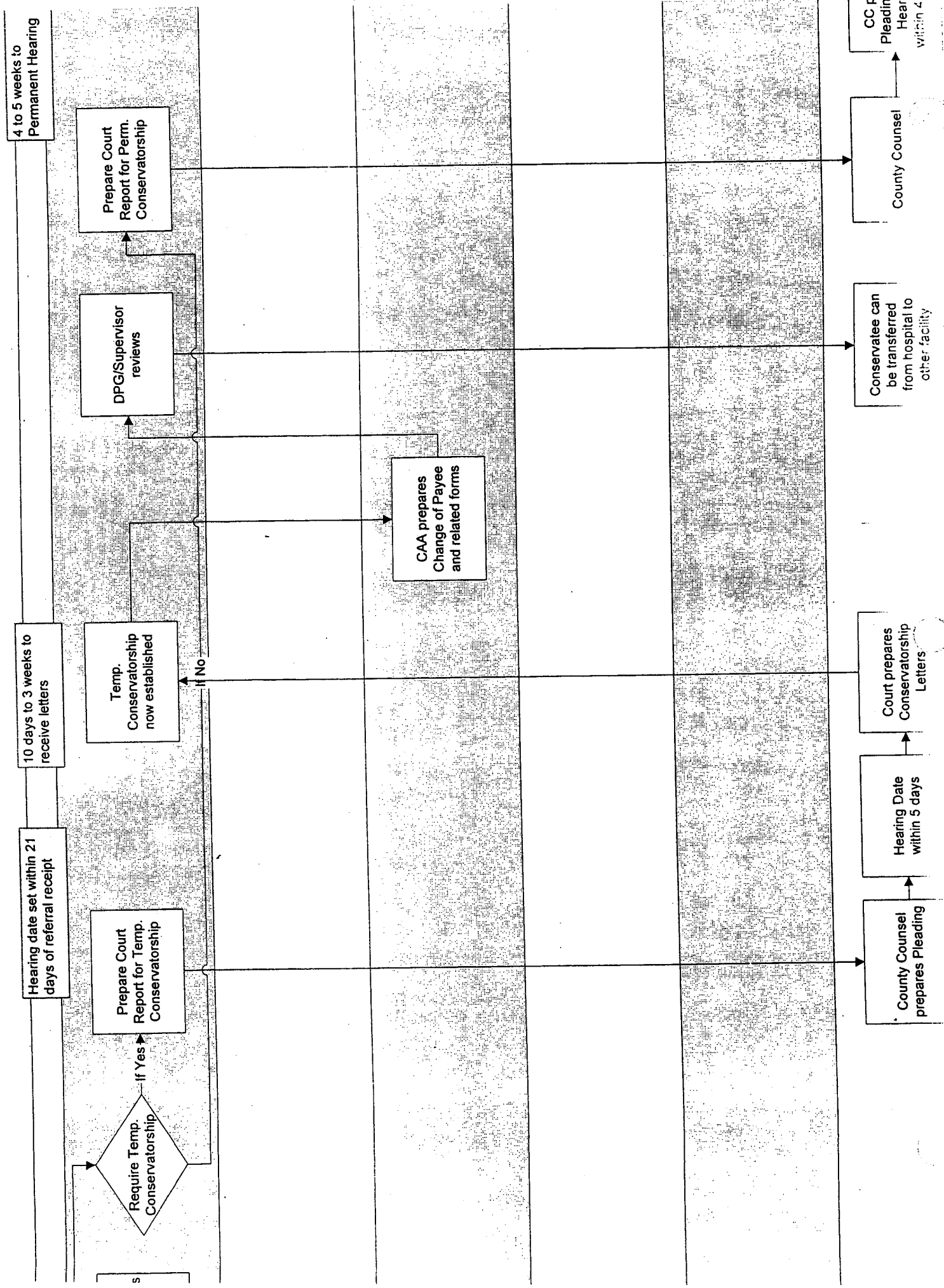
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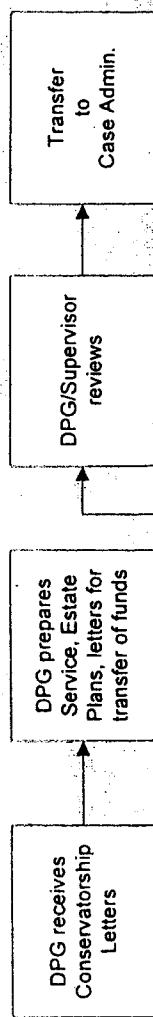
Appendix E: Banded Process Maps

Office of Public Guardian/Probate Conservatorship Process Map: CAN Referrals



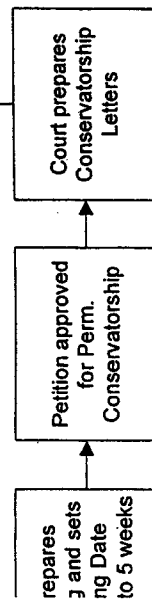


DPG makes follow-up call if Letters not received within 2 weeks

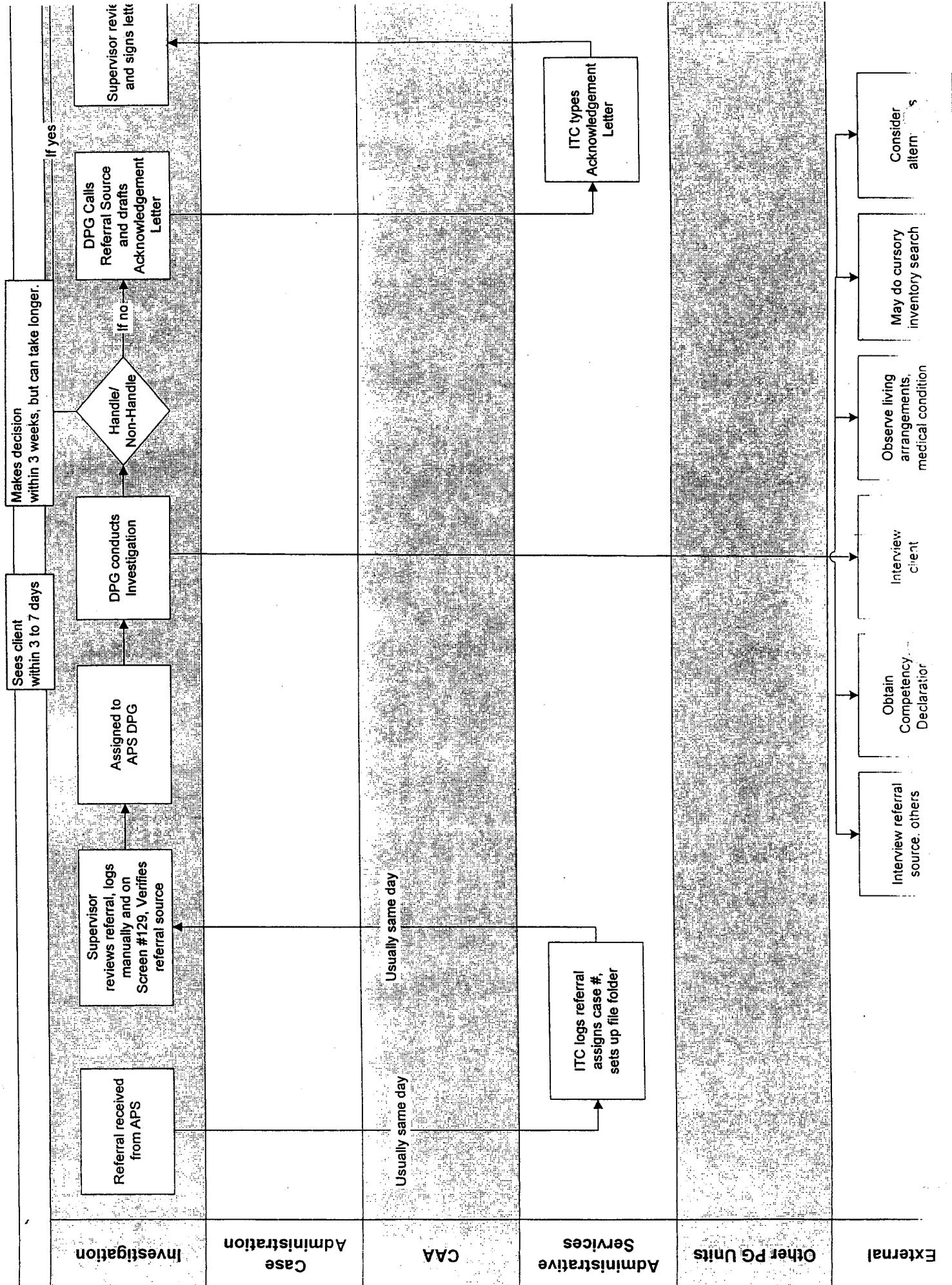


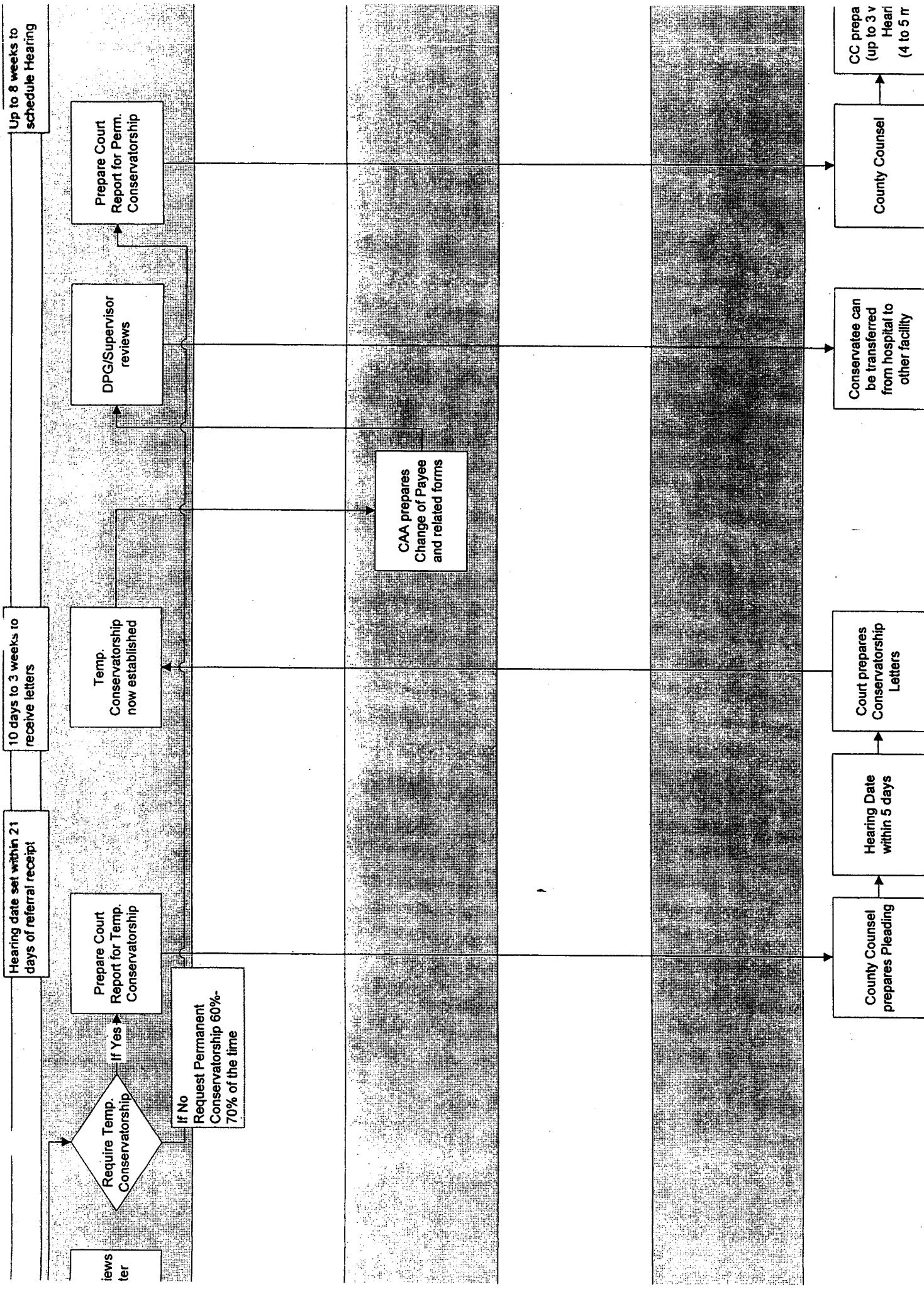
CAA prepares Change of Payee and related forms

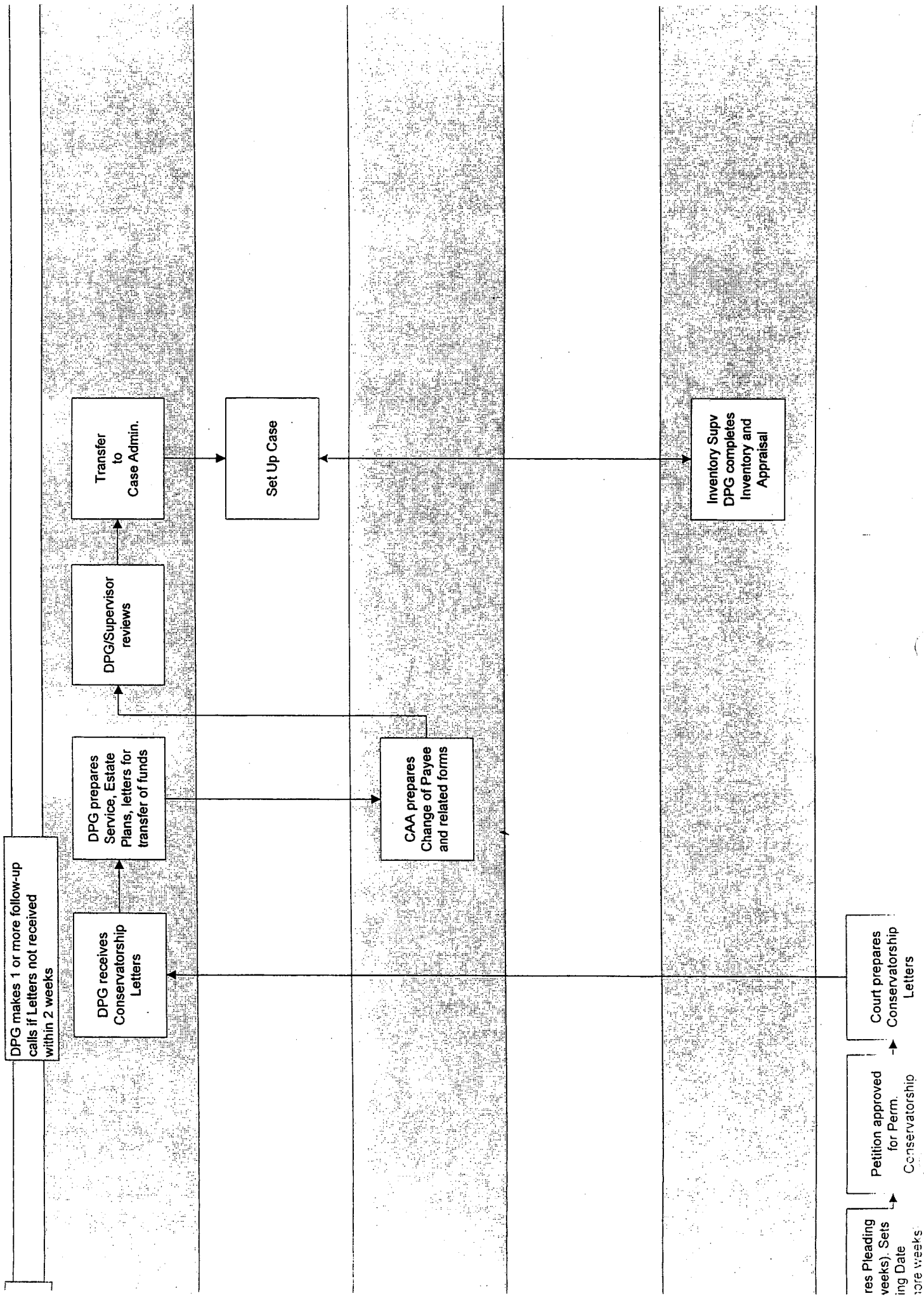
Inventory Supv DPG completes Inventory and Appraisal



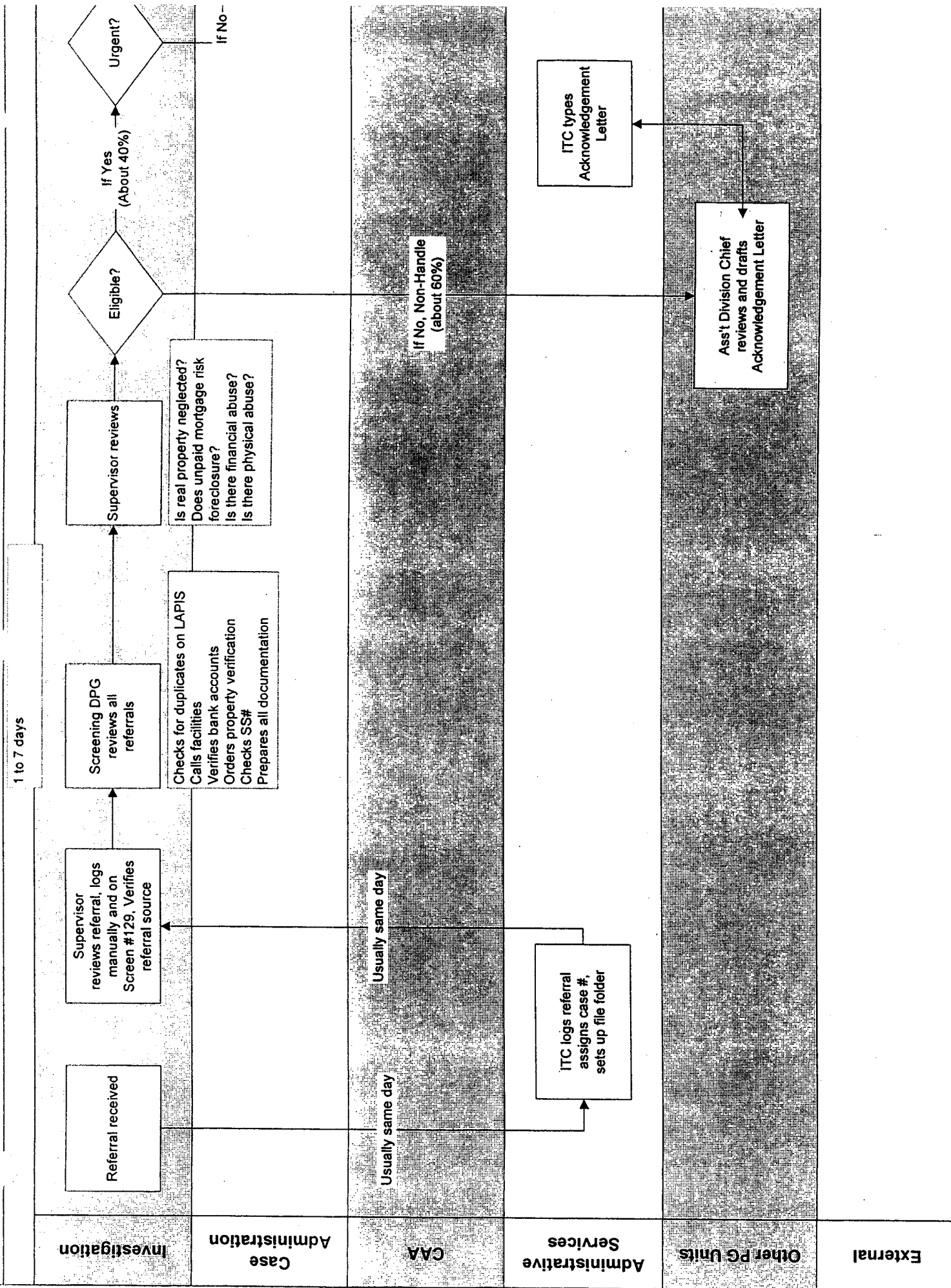
Office of the Public Guardian/Probate Conservatorship Process Map: APS Referrals

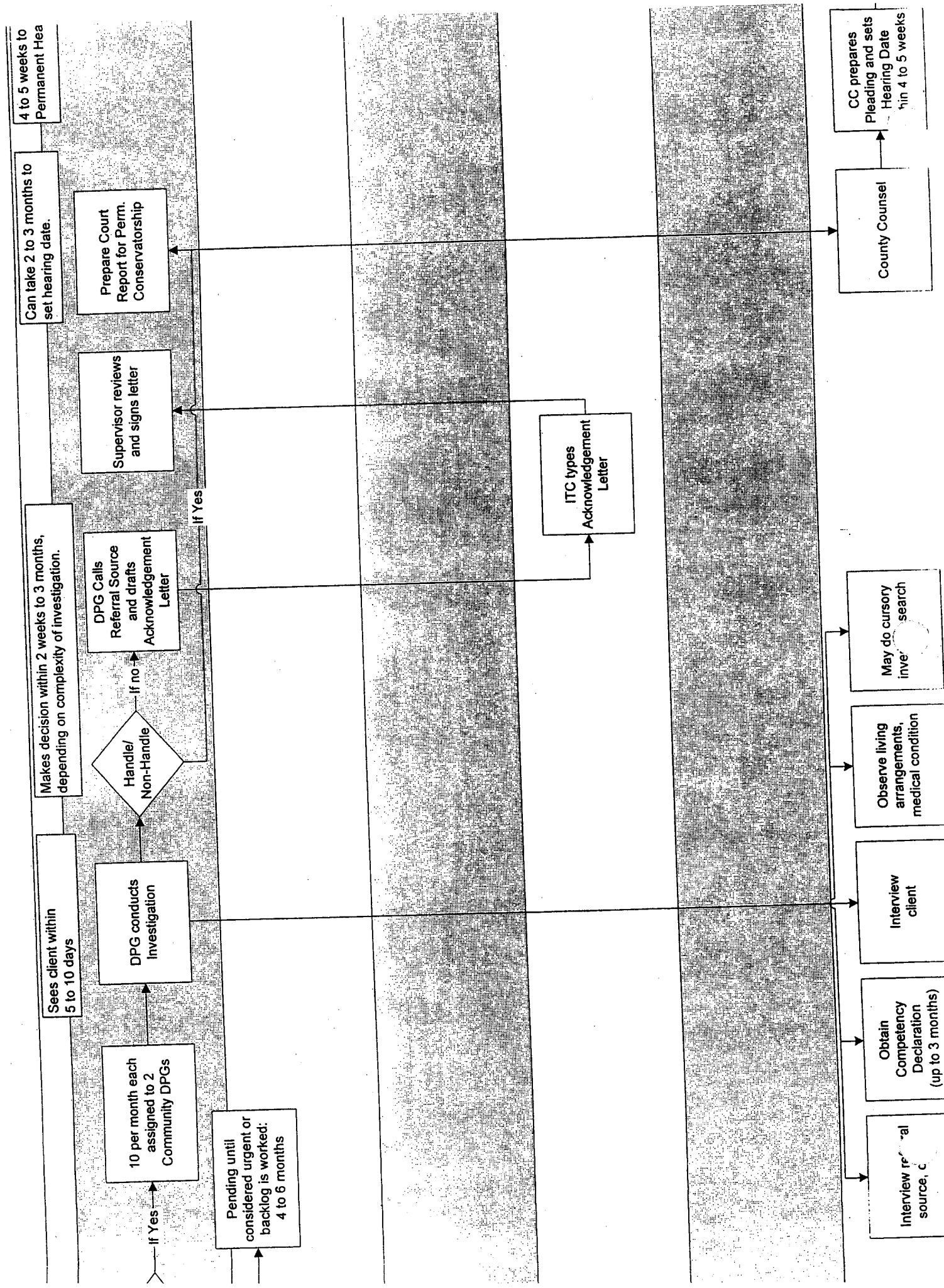


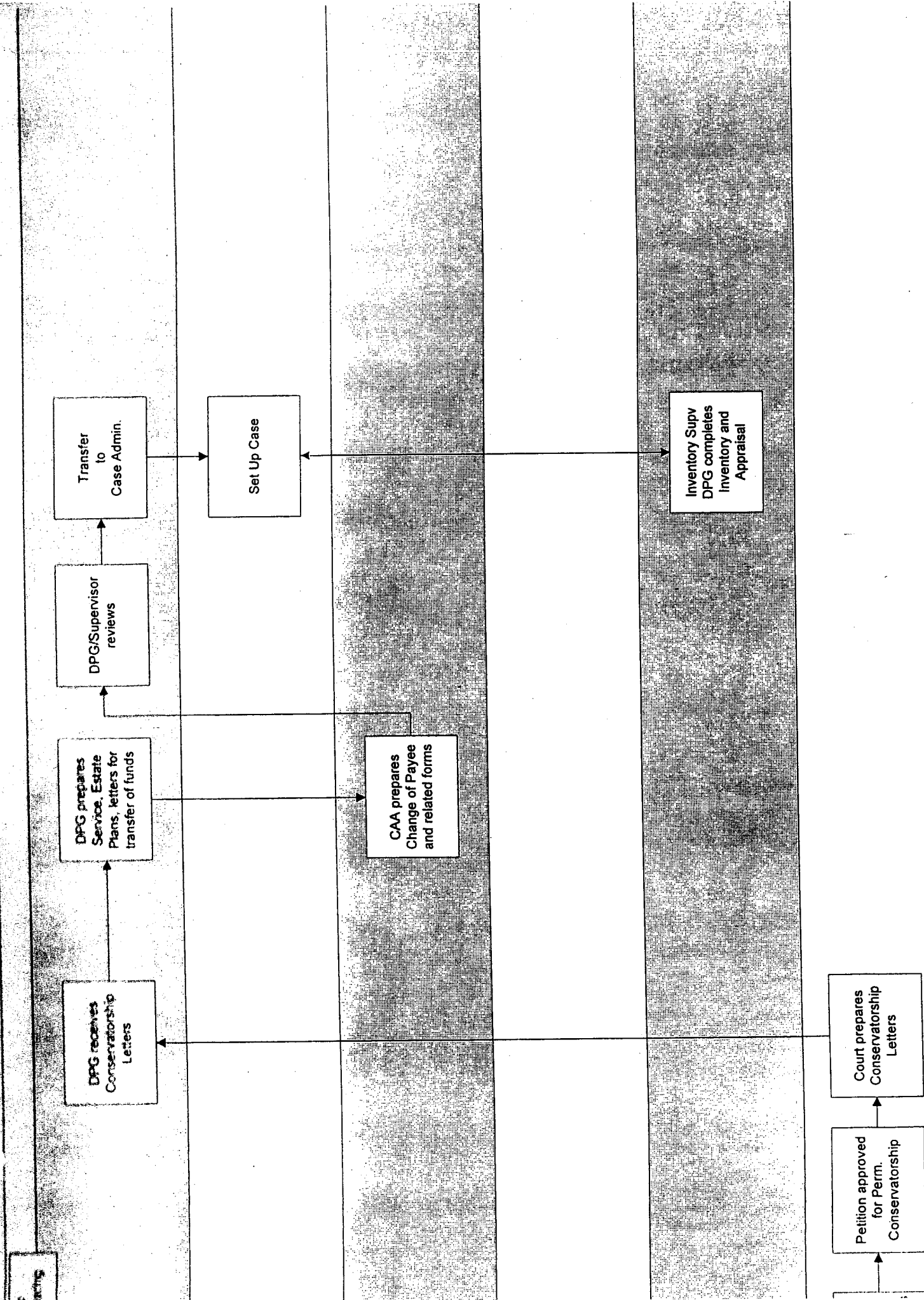




Office of the Public Guardian/Probate Conservatorship Process Map: COMMUNITY Referrals







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DEPARTMENT OF MENTAL HEALTH

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550 SOUTH VERMONT AVENUE, LOS ANGELES, CALIFORNIA 90020

June 23, 2005

TO: Each Supervisor

FROM: Marvin J. Southard, D.S.W.
Director of Mental Health

SUBJECT: **BOARD REQUESTED STATUS REPORT**

On May 24, 2005, your Board, on a motion by Supervisor Antonovich, instructed the Director of Mental Health to work in collaboration with the Regional Centers for the Developmentally Disabled, and County Counsel, and report back to the Board with recommendations on using probate conservatorship for the special needs of developmentally disabled with no adult caregiver. This is to provide you with an interim status report.

For clarification, probate conservatorship is already being used to meet the special needs of the developmentally disabled who have no willing or able adult caregivers. The Public Guardian currently serves about 45 such individuals, representing about 6% of the total probate conservatorship workload. In order to identify further special needs of this population, we have contacted and are working with the Superior Court, the Regional Centers and County Counsel. Once we have identified the scope and nature of the special needs, we will report back to your Board. We anticipate that the complete report will be submitted to your Board within 60 days.

Please let me know if you have any questions or concerns, or your staff may contact Christopher Fierro at (213) 974-0408.

MJS:CF:ela

c: Violet Varona-Lukens, Executive Officer, Board of Supervisors
David E. Janssen, Chief Administrative Officer
Raymond G. Fortner, Jr., County Counsel